

ORDINANCE NO. 2013-02

PESHTIGO FIRE DEPARTMENT SERVICE REIMBURSEMENT

An Ordinance establishing Section 18.21, "Peshtigo Fire Department Service Reimbursement" as an addition to Chapter 18, "Fire Prevention and Protection" of the City of Peshtigo Code of Ordinances, to establish and implement procedures for charging user fees for the deployment of public safety services rendered by the Peshtigo Fire Department.

THE CITY COUNCIL OF THE CITY OF PESHTIGO, WISCONSIN, HEREBY ORDAIN AS FOLLOWS:

Section 18.21, "Peshtigo Fire Department Service Reimbursement", is hereby added to Chapter 18, "Fire Prevention and Protection", of the City Code of Ordinances and shall read as follows:

- (a) **Authority.** This ordinance is authorized pursuant to Chapter 62.13 and 66.0703 of the Wisconsin Statutes and those applicable provisions of the Peshtigo City Code of Ordinances.
- (b) **Purpose.** The purpose of this ordinance is to provide for the reimbursement of costs, either by the responsible party or their insurer, incurred by the City of Peshtigo for services provided by the Peshtigo Fire Department as hereinafter defined.
- (c) **Definitions.** The following word, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

"Department" shall mean the Peshtigo Fire Department.

"Emergency Incident" shall mean those incidents that require fire and /or emergency response in an immediate fashion, following established emergency response protocols.

"Emergency Personnel" shall mean members of the Peshtigo Fire Department during their involvement in an emergency and non-emergency incident.

"Malicious Incident" an incident which is created by an individuals' intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for something other than an actual emergency.

"Motor Vehicle Accidents" shall mean incidents involving one or more motorized vehicles including cars, trucks, buses, motorcycles, ATV's, Trains snowmobiles, boats, planes and the vehicles and trailers being pulled by motorized vehicles.

“Non-Permitted Burn” shall mean the intentional disposal of outside debris via burning.

“Nuisance Incident” repetitive incidents of a same or similar nature (three occurrences within a 12-month period) at the same location which are caused by lack of servicing to mechanical and/ or electrical equipment of an emergency system or the failure to correct a previously documented fire hazard, or false reporting of an emergency incident.

“Primary Coverage Area” shall mean the geographic boundaries of the City of Peshtigo.

“Rescue Calls” shall mean any incident where the Peshtigo Fire Department is called out to assist with search and rescue of any lost, missing, or injured person(s).

“Hazardous Material calls” shall mean all incidents involving foreign material that causes a threat or danger to the environment or the health and safety of any person(s).

“Utility Lines” shall mean any incident where the Peshtigo Fire Department is called out to assist with emergency power line outages, protection from downed power lines or gas line damage.

“City resident” shall mean any person who resides in the City of Peshtigo.

“City” shall mean the City of Peshtigo.

(d) **Incidents Covered.** The following types of incidents occurring within the primary coverage area of the Peshtigo Fire Department are subject to invoicing pursuant to this ordinance.

1. Malicious Incidents
2. Motor Vehicle Accidents
3. Non-Permitted Burns
4. Permitted Burns that get out of control due to negligence
5. Rescue Calls
6. Power Line/ Gas Line Problems
7. Nuisance Calls
8. Hazardous Material calls

(e) **Enforcement.** All enforcement, invoicing and application of this ordinance shall be the responsibility of the Peshtigo Fire Chief, provided, however, that certain actions may be delegated as necessary. The Peshtigo Fire Chief is authorized to conduct investigations and take other steps that are necessary and provided by law to enforce the Ordinance.

(f) **Invoicing.**

1. **Malicious Incidents** shall be invoiced per occurrence with the perpetrator to be held responsible.
2. **Motor Vehicle Accidents** within the primary coverage area of the Peshtigo Fire Department shall be invoiced per occurrence. In the event multiple

- vehicles are involved, the responsible party will be the primary person at fault as determined by the law enforcement personnel at the scene.
3. **Non-Permitted Burns** shall be invoiced per occurrence, to the individual(s) responsible.
 4. **Permitted Burns** that get out of control due to negligence shall be invoiced per occurrence to the individual(s) the original burn permit was issued to.
 5. **Rescue Calls** shall be invoiced per occurrence with the responsible party being the rescued person, or that person's natural or legal guardian. Assisting at rescue calls will be at no charge.
 6. **Utility Line Problems** shall be invoiced per occurrence, to Wisconsin Public Service Corporation or to the appropriate utility or the responsible (negligent) person.
 7. **Nuisance Incidents** shall be invoiced per occurrence, to the responsible party(ies).
 8. **Hazardous material** calls shall be invoiced per occurrence and for materials used to clean up or contain the spill or contamination.
 9. In circumstances where the responsible party or parties in the preceding circumstances (#1 through #8) cannot be identified and/or located and/or reimbursement cannot be obtained from the person (s), the property owner shall be responsible for the invoiced costs if the Peshtigo Fire Department determines that service was made necessary due to the fault of the property owner.

(g) **Ordinance Management**

- A. This ordinance shall be managed by the Peshtigo Fire Department with the Fire Chief as designated agent for the department.
- B. Invoices shall be issued by the Fire Chief and sent by the City Clerk or designated agent, at the direction of the Peshtigo Fire Chief, and shall include the date on which the services were provided by the Department, the type of incident that is serving as the basis for the invoice, an explanation of the services provided, and an itemization of the costs of the services provided.

Payments shall be made within 30-days of invoicing to the City Clerk/Treasurer with interest to accrue at the statutory rate on the 31st day. The invoice shall be mailed first class to the last known address of the person(s) responsible for payment.

Any accounts remaining unpaid after 60 days shall be deemed delinquent and subject to legal collection action and remedies afforded by the Wisconsin Statutes in addition to cost of prosecution, collection and reasonable attorney's fees, and to include but not limited to assessment against the property which was the site of the emergency, to be billed as part of the real estate tax payable in the calendar year following the date of the emergency call.

Any invoice may be appealed to the Peshtigo Fire Department. The appeal shall be in writing and shall be filed with the Peshtigo Fire Department within 10 days of the invoice date. The appeal shall be acted upon by the Department within 15 days after the receipt of the appeal notice. Upon such appeal the Department, following hearing, shall act to reverse, affirm, or modify the original invoicing determination. The Department shall issue a written decision to the aggrieved party within 15 days of the appeal hearing.

- (h) **Invoicing/Reimbursement.** Rates for any incident and/or occurrence shall be as established by the Peshtigo City Council, from time to time with advice and recommendations provided by the Department. Rates shall be on file in the City Clerk's Office and available for inspection.
- (i) **Severability, Liability, Amendments.** If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. This ordinance and its provisions may be amended by the Peshtigo City Council, pursuant to the applicable provisions of the law.
- (j) **Non-exclusivity of Ordinance.** The fees charged for the reimbursement of services provided by the Department as adopted in this ordinance are in addition, and not in replacement, of any other applicable charges, assessments or fines as provided in the Peshtigo Code of Ordinances.
- (k) **Ordinance in Force.**
- 1. Date of Enactment.**
Duly enacted and ordained by the City of Peshtigo, Marinette County, State of Wisconsin. On this day of May 7, 2013 at a duly called meeting of the City Council.
 - 2. Effective Date.**
This Ordinance shall become effective immediately after adoption and publication.

Adopted this 7th day of may, 2013.

Donald Stut

OFFERED BY:

Alderman

Mark [unclear]

SECONDED BY:

Alderman

APPROVED:

Alb J. [unclear]
Mayor

I hereby certify that the foregoing was duly adopted by the City of Peshtigo at a legal meeting on this 7th day of may, 2013.

Mary Ann Wills
Mary Ann Wills
City Clerk-Treasurer