

## **TOWN OF PARIS FIRE DEPARTMENT COST RECOVERY ORDINANCE**

### **Purpose**

The Town is engaged in providing fire suppression, fire and public safety, and other emergency response services, and in consideration of services rendered, desires to establish the restitution policy for fire and public safety services as set forth in this Ordinance.

### **Authority**

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine, and Title 30-A M.R.S.A. § 3001.

### **Applicability**

The provisions of this Ordinance shall govern all emergency and non-emergency incident scenes to which the Paris Fire and/or other departments are dispatched or requested by written mutual aid agreement, or any State or local agency including, but not limited to: control or confine hazardous materials; extinguish fire; respond to motor vehicle/traffic incident; remove or mitigate safety hazards; or provide overall scene safety.

This Ordinance shall be applicable to all individuals or entities who receive emergency or non-emergency services provided by the Paris Fire and/or other departments, as specified in this Ordinance.

### **Responsibility**

Parties to any incident to which this Ordinance is applicable (i.e., "Responsible Party") shall provide the Paris Fire Chief and/or Incident Commander with sufficient personal and insurance information, including, but not limited to policy numbers and contact information for their underwriters and agents, to enable the Town of Paris to file claims with the Responsible Party's insurance carrier(s) or a third-party agency to recover the costs incurred during the incident.

### **Establishment of Fees**

The Town Manager with assistance from the Fire Chief shall establish and update as needed a schedule of fees for the delivery of emergency and non-emergency services by the Paris Fire Department and/or other departments for personnel, supplies, and equipment to the scene of emergency and non-emergency incidents. The schedule of fees shall be based on actual costs of the services and that which is usual, customary, and reasonable, which may include services, personnel, supplies, and equipment and may also include costs incurred by other Town departments participating in the incident response. The Town Manager and Fire Chief shall present the recommend fee schedule to the Board of Selectmen for approval. Such fee schedule is to be amended from time to time by majority vote of the Board of Selectmen.

### **Restitution and Billing Procedure**

The Town may seek restitution for costs for Fire Department services by filing claims with the insurance companies that ensure the individuals or companies involved in an incident where Fire Department Services are provided. The Board of Selectmen are authorized to enter into a Cost Recovery Agreement with a third-party billing company for the billing and collection of fees for Fire Department services through the filing of

insurance claims. All such claims shall be submitted in the name of the Town of Paris. The Town shall only seek restitution for Fire Department Services from insured individuals or companies.

The Board of Selectmen are authorized to institute legal action to collect insurance claims that remain outstanding for more than 60 days. The Board of Selectmen or Fire Chief are authorized to write-off claims, when a claim is not paid with a valid reason including insured not at fault, or if all attempts to contact the insurance company fail by any common method available.

#### **Compensation for Third-Party Collection Services**

Terms of compensation to the third-party billing company shall be agreed upon and approved by the Board of Selectmen and set forth in the terms of the Cost Recovery Agreement.

#### **Administration and Enforcement**

It shall be the duty of the third-party billing company to effectively pursue the requirements of this Ordinance for payment of services rendered by the Fire Department as specifically outlined above.

#### **Revenues**

All revenues received from cost recovery shall be placed in the Fire Department Capital Account up to the limit of \$75,000 annually. Any amount received above this limit shall be placed in the general fund or as directed by the Board of Selectpersons.

#### **Insurance Requirements**

The third-party billing company shall at all times have valid General Liability insurance policy, a Cyber Liability policy, an Errors and Omissions Policy, and the Town shall be named as an additional insured on such policies.

#### **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.

#### **Conflict with Other Sections**

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law.

#### **Effective Date**

This ordinance shall take effect upon adoption by the Town of Paris at its annual Town Meeting \_\_\_\_\_, 2022.

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<b>\$200.00 flat fee for all responses, minimum of 2 hours for all personnel and apparatus</b>		
Tanker Truck	\$120.00	Per Hour (2-hour minimum charge)
Engine Truck	\$135.00	Per Hour (2-hour minimum charge)
Utility Truck	\$110.00	Per Hour (2-hour minimum charge)
Ladder Truck	\$150.00	Per Hour (2-hour minimum charge)
Forestry Truck	\$150.00	Per Hour (2-hour minimum charge)
Foam - per 5-gallon bucket	\$125.00	Per Hour (2-hour minimum charge)
Traffic Control	\$35.00	Per Hour (2-hour minimum charge) (\$50.00 if equipment is needed)
Specialty Equipment - each equipment needed	\$25.00	Per Hour (2-hour minimum charge)
Car-1	\$75.00	Per Hour (2-hour minimum charge)
Chief Officers	\$50.00	Per Hour (2-hour minimum charge)
Firefighter	\$35.00	Per Hour (2-hour minimum charge)

Late fee charged to billed incident to begin at 60 days- the fee for late charges will be \$35.  
Any associated legal fees are responsibility of at fault party.

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