

Chapter 14
Town of Fremont
Fire / Rescue Cost Recovery Ordinance

An ordinance to establish charges for fire/rescue response for incidents involving Fire Department responses and to provide methods for the collection of such charges from the responsible party.

14.1 Purpose

In order to continue to protect the public health, safety, and welfare by providing fire/rescue response, and to protect the Fire Department from incurring expenses resulting from the use of Fire Department resources in responding to incidents, and to require that financial assistance to the Fire Department from those receiving direct benefits from the availability of fire/rescue responses be made, the Town of Fremont authorizes the imposition of charges to recover the reasonable costs incurred by the Fire Department in responding to fire/rescue calls.

14.2 Definitions:

- A. “Hazardous Materials” include, but not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive, or any other material generally recognized by the Federal Government and listed as a “hazardous material”.
- B. “Responsible Party” includes any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released into the environment or ignited in an unauthorized burning.
- C. “Fire/rescue response” shall mean a response by the Fire Department, any of its personnel, or any of its equipment arising from a call from any person, property owner, law enforcement agency, fire or emergency response unit of another governmental entity, emergency medical response unit (public or private) or as dispatched by the Fire Department itself. A fire/rescue response shall include, but not limited to response for fire, motor vehicle accident, hazardous material release or discharge, structure collapse or explosion.

14.3 Fees:

- A. A responsible party who receives fire/rescue response charges for services provided or financed by the Fire Department shall be liable for full actual cost to

the Fire Department of providing such services, including labor, equipment, and material.

14.4 Recovery of Cost/Other Remedies:

At the conclusion of the fire/rescue response, an invoice will be sent to the responsible party for payment of the charges imposed by this ordinance. In the event that the responsible party is covered by Insurance, and the Insurance Company is known, the invoice for services can be sent directly to the Insurance Company. The invoice shall demand full payment within thirty (30) days of receipt of the bill subject to a late fee of 1% per month. Any person receiving a bill for services may appeal to the Town Board, within the time limits of payment, for a decision concerning whether and to what extent that individual is responsible for payment. The Town may proceed in court to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of the fees.

14.5 Multiple Party Protection:

Where a particular service rendered or financed by the Fire Department directly benefits more than one person or property, the owner of each property and/or each person benefits shall jointly and severally liable for any payment of the full fee for such services. For the purposes of this Ordinance only the person to whom a motor vehicle is registered (as opposed to all occupants) shall be considered the beneficiary of services involving a motor vehicle. For the purposes of this of this Ordinance, the entire family of a single dwelling, or the owner of any commercial building (as opposed to all tenants or employees) shall be considered the beneficiary of services, such that individuals are not separately billed.

14.6 Non-Exclusive Fees:

The fees shall be supplemental to other methods of fire financing, such as general ad valorem taxation, special assessments, general fund appropriations, subscription programs, pledge drives, or donations, or any other sources as permitted by law.

14.7 Severability:

If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason held invalid or unconstitutional by any court of competent jurisdiction, the balance of the ordinance shall remain in full force and effect.

14.8 Effective Date:

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.