

ORDINANCE NO. 2010 - 3
TOWN OF Kinnick Kinnick

**ORDINANCE AUTHORIZING RECOVERY OF
FIRE DEPARTMENT RESPONSE FEES**

The Town Board of the Town of Kinnick Kinnick hereby ordains as follows:

1. This Ordinance is enacted pursuant to the authority in Wis. Stats. §§ 60.55(2)(b) and 66.0627. It is intended to create a procedure that will allow the Town to fully recover the amounts billed to it for fire department response calls to public and/or private real and personal property that is located in the Town when fire fighting equipment is called from the parties or property owners involved.

2. The Town shall recover from such owners of private real and personal property all costs and fees for which the Town is charged by any fire department responding to a call to that property by using the following procedure:

(a) When the information required to make a claim is available, the Town or a designated representative of the Town shall first submit a claim for the full cost of the fire department response call directly to the insurance company of each property owner whose property is involved in the events giving rise to the call. Claim shall be made for the full amount set forth in the fee schedule that has been established and may be periodically revised by resolution of the Town Board. If for any reason the fee schedule calls for an amount that is less than the actual cost billed to the Town for the fire department response call, claim shall be made for the actual cost.

(b) If no insurance information is available or if the Town has not received payment for the fire department response call from an insurance company within 90 days of submission of the claim, the Town shall then bill the property owner directly for all amounts billed to the Town in connection with the fire department response call and that remain unpaid. Once sent, that bill and this Ordinance shall constitute reasonable notice of the Town's intent to make a special charge against real property for a fire department response call to that property, pursuant to Wis. Stats. § 60.0627(3)(a).

(c) Nonpayment of fire department response call costs by an affected/benefited real property owner for ninety (90) days after being billed or until the next November 1, whichever occurs first, shall

result in all unpaid amounts owed for fire department response calls becoming a special charge against the real property to which the fire department response call was made for the amount of the fire response call that remains unpaid. If the special charge is unpaid at the time that the Town must complete its tax roll, the special charge shall be deemed delinquent at that time, shall become a lien against the subject property and shall be included in the tax roll for collection with the property taxes levied against the subject property, all pursuant to Wis. Stats. § 66.0627(4).

3. Every property owner on whose property a fire is intentionally started for any purpose (example: brush control, grass control, old building, etc.) shall notify St. Croix County Non-Emergency Dispatch before such a fire is started; and shall allow such fires to burn only in accordance with instructions from County Dispatch. If such a fire burns out of control, the property owner shall be responsible for all costs of any fire department response call.

4. The full cost of fire department response call shall be charged according to a fee schedule that shall be separately adopted and amended from time to time by resolution of the Town Board. Amounts recovered by the Town pursuant to this Ordinance shall be as set forth in said fee resolution or as charged by the fire department involved when the actual charges from the fire department for a specific fire response call exceed the amount set in the resolution.

5. The insurance recovery procedure created in this Ordinance shall be applied to recovery of fire department response calls to every motor vehicle accident site in the Town and to all private real property calls and to trailers or mobile homes taxed as personal property and located in the Town when the fire department response call take place. The special charge procedure created in this Ordinance shall be available only for recovery of fire department response calls to private real property in the Town. Fire department response calls made to locations in county or state trunk highway rights of way in the Town where no private insurance payment is available shall be processed as road reimbursement requests pursuant to Wis. Stats. § 60.557. The cost of the fire department response calls to locations in town road rights of way where no private insurance payment is available shall be paid with taxes levied on all property in the Town to pay for fire protection, pursuant to Wis. Stats. § 60.55(2)(c).

6. This Ordinance shall become effective upon passage and publication.

Enacted this 7 day of September, 2010, by majority vote of the Kinnickinnick Town Board.

Roque Van Bort
Town Chair

Attest:

Ada Higgins
Town Clerk

Published on: 9/8/2010

In: The Town of Kinnickinnick