

ORDINANCE #2016-05
CREATING 05-01.00, Cost Recovery Ordinance, Rockland Code of Ordinances,
Town of Rockland, Brown County, Wisconsin

WHEREAS, the Town of Rockland (hereinafter the "Town") is required to provide fire protection pursuant to Wis. Stat. § 60.55; and,

WHEREAS, the following fire departments provide fire protection services in various portions of the Town:

- 1) Greenleaf Volunteer Fire Department, Inc.
- 2) Morrison Volunteer Fire Department, Inc.: and,

WHEREAS, the Town has entered into fire protection agreements with each of the aforementioned fire departments concerning the provision of fire protection services, responsibility for the costs thereof, and other miscellaneous terms; and,

WHEREAS, the general, fixed, and budgeted costs of fire protection are paid by the Town to said fire departments in accordance with the respective agreements; and,

WHEREAS, certain variable costs that occasionally arise on a fire, rescue, or service call are not directly paid by the Town under said agreements but the fire departments, as non-taxing authorities, must have a mechanism to recover said costs either through the Town, the affected property owners, responsible party or a combination thereof; and,

WHEREAS, the purpose of this ordinance is to provide a mechanism for said fire department to recover said variable and unbudgeted costs from the Town, with the ultimately goal of passing said costs through by the Town to the affected property owner, responsible party and/or affected party.

NOW, THEREFORE, the Town Board of the Town of Rockland, Wisconsin, does ordain that Ordinance #2016-05 enacted by the Town Board on August 1, 2016, creates 05-01.00, Cost Recovery Ordinance to read as follows:

05-01.00: TITLE

This ordinance shall be known as the "Town of Rockland Cost Recovery Ordinance."

05-01.01: AUTHORITY AND PURPOSE

This ordinance is adopted under the general authority granted pursuant to §§60.55 of the Wisconsin Statutes, to provide for fire protection services for the safety, health and welfare of its citizens.

05-01.02: DEFINITIONS

In this ordinance, the following words and phrase have the designated meaning unless a different meaning is expressly provided elsewhere in the Rockland Code of Ordinances (RCO) or the context clearly indicates a different meaning:

- a) Costs as referenced in this ordinance, shall mean any non-budgeted expense of the fire department reasonably necessary for fire protection, rescue, hazardous material, catastrophic event response, disaster response, and other responsibilities of fire departments, including, but not limited to, extraordinary consumption of fuel, water, foam, hydration & nutrition, absorbents, pollution recovery materials, sand, ground, stone, portable toilets, temporary shelter, snow and ice control, and consumable or destroyed equipment and/or protective clothing that may be destroyed including that of first responders; heavy/other equipment rental and operation thereof; reasonable and necessary hiring of contractors and subcontractors; and reimbursements to other fire departments necessitated by said other fire departments' participation in a response under the Automatic Aid and/or MABAS agreements.
- b) Fire Department. The fire department or departments contracted by the Town of Rockland to provide fire protection services to its residents.

05-01.03: RESPONSIBILITY OF COSTS

- a) The fire departments may pass a reasonable bill of Costs onto the Town and the Town shall pay said bill of costs if said Costs were incurred in responding to a call within the area of the Town covered in an agreement between said fire department and the Town.
- b) The Town shall pass on any Costs to the affected property owner, business entity, other entity, responsible party, and/or person served by the fire departments' response.
- c) The Town shall enforce the property owners', business entities' other entities' responsible parties' or other persons' responsibility to reimburse the Town by any legal means, including, but not limited to:
 - 1. Sending said property owner, business entity, other entity, responsible party, and/or person a bill;
 - 2. A lawsuit against said property owner, business entity, other entity, responsible party and/or person;
 - 3. A special charge against real property pursuant to Wis. Stat. § 66.0327;
 - 4. A combination of any of the above.
- d) The Town recognizes that the Town, but not necessarily the fire department, has the ability to recover costs pursuant to Wis. Stat. Sec. 60.577 (for reimbursement for fire

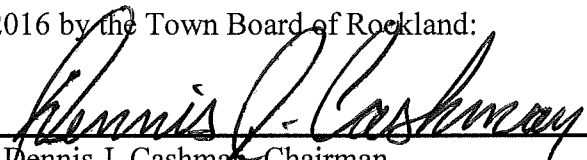
calls on highways), 44 CR151 (for firefighting on federal property), and other available laws and programs. The Town agrees to cooperate with the above-mentioned fire departments and assist them in recovering Costs in accordance with any law, agency, or program.

- e) The fire departments and the Town agree to act in good faith concerning the operation and enforcement of this ordinance.

05-01.04: EFFECTIVE DATE

This ordinance shall take effect the day after its enactment and publication of this ordinance an appropriate notice hereof as provided by law.

Adopted this 1st of August, 2016 by the Town Board of Rockland:



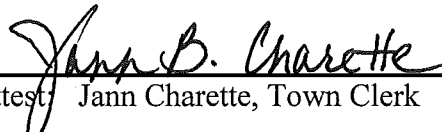
Dennis J. Cashman, Chairman



Supervisor Van Vonderen



Supervisor Lasee



Attest: Jann Charette, Town Clerk

Roll Call Tally:
Cashman YES / NO
Van Vonderen YES / NO
Lasee YES / NO
Total YES 3 / NO 0