

TOWN OF DEDHAM

FIRE DEPARTMENT COST RECOVERY ORDINANCE

Be it ordained by the citizens of the Town of Dedham, Maine that cost recovery protocol for the Dedham/Lucerne Fire Department, hereinafter known as the Fire Department Cost Recovery Ordinance. The object of this ordinance shall be the recovery of costs sustained through the provision of response to fires and other emergency situations, is hereby created as follows.

Cost Recovery

Due to the expense of maintaining equipment, the cost of replacing disposable items, and the use of equipment and labor in response to fires and emergency services; and due to the disproportional cost born by the taxpayers of the Town of Dedham and Lucerne-in-Maine Village Corporation in providing such services to at-fault non-taxpayers. The Fire Department is authorized to bill private persons, businesses and corporations, and any other entity utilizing the services of the Dedham/Lucerne Fire Department; including, but not limited to, insurance companies providing insurance coverage to the same; for the provision of services in the following situations:

- Out-of-town calls, unless response is related to a mutual aid call;
- Fires caused by power line problems;
- Motor vehicle incidents caused by at-fault drivers who are not taxpayers of the Town of Dedham or Lucerne-in-Maine Village Corporation, as determined by the attending officer(s) on the police incident report; and
- Motor vehicle incidents caused (at least in part) by illegal activity, as determined by the attending officer(s).

Pursuant to Maine State Law, Title 17-A, Chapter 54, the Fire Chief, or his delegate, may pursue restitution by working with State officials for the provision of services in the following situations:

- Local fire calls determined by the Fire Chief and State official to be caused by carelessness, negligence, malicious intent, or fireworks; and
- Local fire calls involving a non-permitted burn.

The Fire Chief is authorized to establish and amend a policy outlining the uniform charges, including adopting national average uniform charges ("fire service fees"). The Fire Chief shall keep a written policy of the fire service fees, which are titled F.D. SOG GA5.5 and F.D. SOG GA5.5-1, and provide the same upon request. A copy shall also be available for public inspection at the Dedham/Lucerne Fire Departments and the Dedham Town Office.

Fees shall be recovered by the Fire Chief as applicable, for services provided by the Department. The Fire Chief may enter into a written contract with a collection company ("authorized agent") upon approval by the Selectmen.

The Fire Chief or the authorized agent, subject to the conditions and limitations of this ordinance, shall submit an invoice to the private person, business or corporation, any other entity or relevant insurance company for the services rendered by the Fire Department in accordance with the fire service fees. Fire Department personnel will be responsible for collecting insurance and vehicle information.

In the event that the Fire Department cannot gain access to a private road, way, or driveway in an emergency situation, an independent contractor may be hired to clear said way. The Fire Chief may bill the cost of clearing to the property owner at his/her discretion.

The recovery of costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.

Privileges and Immunities

The Fire Chief, officers and members of the Department shall enjoy the privileges and immunities provided by the Maine Tort Claims Act.

Severability

The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

Effectiveness

This ordinance shall be effective upon its adoption by the municipal legislative body.