

TOWN OF WEST GARDINER

FIRE DEPARTMENT SERVICE RESTITUTION ORDINANCE

Section 1 – Statement of Purpose:

The Town of West Gardiner is engaged in providing fire suppression, fire rescue and fire safety services; and in consideration of services rendered hereby desires to set the following restitution policy for Fire Department services. This ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A MRS.A, Section 3001.

Section 2 – Definition of Services:

The Town of West Gardiner will seek payment for the cost of services provided by the Town of West Gardiner Fire Department when responding to incidents involuntary involving non-residents in the Town of West Gardiner, or upon request of mutual aid from other towns/cities. Services the Town of West Gardiner shall seek payment for include, but are not limited to:

A. Scene and safety control at traffic accidents:

Positioning of fire apparatus and personnel so as to protect the scene from other traffic and deny entry into the scene of authorized personnel. Police will move traffic around the area the Fire Department has deemed as the safe zone for the occupants of the vehicles and the rescuers on the scene. Safely staging other incoming agencies responding to this incident may also include a pulled hose line for protection of people on scene from possible fires and fumes or residue from such things as gasoline and air bag propellants. The most important function is establishing incident command of the scene, which is the Fire Department; responsibility at emergency incidents and to coordinate with other responding agencies for their needs at the scene. Patient care is the responsibility of Emergency Medical Service (EMS) personnel but assistance may be requested. *This may also include any lost or damaged equipment as a result of the incident.

B. Disentanglement operations and assist rescue with extrication from vehicles:

Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims, the Fire Department will assist ambulance or EMS personnel in a coordinated effort. This could include, but is not limited to: car accidents, industrial accidents, confined spaces, below grade rescues, or high angle rescues to name just a few. Ropes, ladder devices, air monitoring equipment, self-contained breathing apparatus, hydraulic equipment, shoring, saws, cribbing, and air bags are just a few of the types of equipment used in extrication incidents. *This may also include any lost or damaged equipment as a result of the incident.

C. Fluid and hazardous substance mitigation at traffic accidents:

Anytime the Fire Department has to manage any fluids or hazardous substances through containment or absorption with pads, sand or other means permitted by the Department of Environmental Protection (DEP). Mitigation of all hazardous substances is performed in accordance with DEP regulations. *This may also include any lost or damaged equipment as a result of the incident.

D. Vehicle Fires:

Anytime the Fire Department personnel have to contain or extinguish a fire. It also includes the laying of hose lines and positioning a hand line for the protection of individuals at the scene because of fire, smoke, or leaking fluids, such as gasoline. *This may also include any lost or damaged equipment as a result of the incident. *This may also include any lost or damaged equipment as a result of the incident.

Section 3 – Fees for Services:

Upon adoption of the Ordinance, the Board of Selectmen or Fire Chief in their expressed authority shall be authorized to review and set the fees for Fire Department services as they deem in the best interest of the Town of West Gardiner. Fees for services shall be limited to cost recovery. Methods of calculating the cost of services shall be identified and generally based upon the average cost or specific cost of providing the service. Cost calculations will include direct costs (apparatus, personnel and any miscellaneous supplies and supplies).

All fees collected shall be deposited to the Fire Department Capital Equipment Account.

Section 4 – Restitution and Billing Procedure:

The Town may seek restitution for costs for Fire Department services by filing claims with the insurance companies that insure 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 West Gardiner. 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 (insured not at fault, not covered) or if all attempts to contact the insurance company fail by any common method available.

Section 5 – Compensation:

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.

Section 6 – 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.

Section 7 – Insurance requirements:

The third-party billing company shall at all times during the term of the agreement, have valid General Liability insurance policy, a Cyber Liability policy, an Error and Omissions Policy and the Town of West Gardiner shall be names as additionally insured.

Section 8 – Effective Date:

This ordinance shall take effect upon adoption by the Town of West Gardiner at its annual Town Meeting of March 16, 2019.

Section 9 – Validity and Severability:

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 10 - Conflict with Other Ordinances:

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, by law, permit, or provision of law. Where this Ordinance impose a greater restriction upon the use of Fire Department Services, the provisions of this Ordinance shall control.

DRAFT – 2/14/2019