

ORDINANCE NO. L101106-1

ORDINANCE ESTABLISHING FIRE AND RESCUE PROTECTION IN THE TOWN OF LIBERTY AND
AUTHORIZING THE TOWN BOARD TO INVOICE RESIDENTS AND NON-RESIDENTS FOR FIRE AND RESCUE
SERVICES

Whereas, 1983 Wisconsin Act 532 authorizes Towns to charge property owners a portion or all of the costs of Fire and Rescue Protection;

Whereas, it is in the public interest of the Town of Liberty to charge costs of such protection to the property owners;

Now Therefore, The Town Board of Supervisors of Liberty does ordain as follows:

Section 1 – Previous Ordinance

Upon passage of this ordinance, Ordinance L26 entitled “Ordinance Establishing Fire Protection Charges in Town of Liberty”, dated April 14th, 1992, shall be revoked in its entirety. This new ordinance, L101106-1 shall replace the entire verbiage of ordinance L26.

Section 2 – State Authority

Pursuant to Section 60.55, 60.555, 60.557 and 60.565 of Wisconsin Statutes, the Town of Liberty, Outagamie County hereby establishes the following policy and procedures for the payment of fire and rescue/ambulance costs incurred by the Town of Liberty.

Section 3 – Liability for Fire and Rescue Protection Costs

The property owners of real estate and/or equipment such as vehicles, farm equipment or other tangible assets within the Town of Liberty for which fire and rescue protection is provided shall be responsible for the costs of the fire and/or rescue calls made to their property and/or equipment based upon the following schedule:

- a. It is the policy of the Town of Liberty to contract with the New London Fire Department, the Hortonville-Hortonia Fire Department and the Shiocton-Bovina Fire Department. Any property or equipment owner for whom fire and/or rescue protection is rendered from any fire department shall be responsible for up to \$500.00 per fire and/or rescue call billed to the Town from any authorized fire department. Any costs incurred by the Town of Liberty from other departments providing mutual aid shall also be included in the amount invoiced to the property or equipment owner with the complete total of invoice not to exceed \$500 plus interest per occurrence.
- b. The definition of a property or equipment owner shall be the person to whom the property or equipment is titled by or leased to. In the event that a driver of a vehicle or equipment requiring fire or rescue protection for a vehicle they do not own, the driver shall first be responsible for the costs incurred by the Town up to a maximum of \$500.00 plus interest per occurrence. Once the Town of Liberty has made all reasonable attempts to collect from the driver and his/her insurance provider, the responsibility of the costs incurred shall then fall to the registered owner of the vehicle or the legal guardian(s) of the vehicle owner.
- c. In the event that a minor requires fire or rescue service provided, the costs for these services incurred by the Town shall be invoiced to the guardian(s) of the minor.
- d. In the event that an itemized invoice is not received from the fire or rescue providers, the amount invoiced by the Town shall be \$300 for the first hour of service or fraction thereof. The next hour, or fraction thereof, shall be invoiced at \$200 with the total invoice not to exceed \$500.00 per occurrence plus interest. Certain fire departments are paid by the Town for a finite amount of fire and/or rescue calls per year. These calls may not prompt an invoice being generated to the Town. Therefore, the property or equipment owner or operator shall be invoiced at the rates listed in this section of the ordinance.

Section 4 – Billing and Payment Procedure

The costs of the fire and rescue calls as outlined above shall be billed by the Town Clerk to the property owner or equipment owner/operator and paid to the Town Treasurer within 60 days of the date of the bill. Those bills remaining outstanding, for more than 90 days as of November 1st of any year shall become a lien against the real estate for which the fire protection was provided and shall be placed on the tax roll as a delinquent special charge

pursuant to Section 66.60 of the Wisconsin Statutes. This 90 days shall include any amount of time that an invoice from the provider remained outstanding before the debt was turned over to the Town.

In the event the person invoiced is not a property owner in the Town, the Town Clerk shall bill the owner/operator of the equipment in question and the invoice must be paid to the Town Treasurer within 60 days of the date of the bill. Those bills remaining outstanding for more than 60 days, including the days outstanding from the invoice between the provider and the party, shall be submitted to the Town's outstanding debt collection agency or agent.

In the event that the County or State reimburses the Town for a portion of the outstanding debt, the payment shall be deducted from the amount outstanding from the debtor. All invoices will accrue a 1% interest per month plus a nominal service fee from the Town. This amount is added to the invoice which may allow the invoice to exceed the \$500 amount.

Section 5 – Effective Date

This ordinance and its provisions shall take effect immediately upon passage. This ordinance shall apply to any future costs incurred for fire and rescue protection as well as any outstanding invoices for fire and/or rescue services provided within the Town of Liberty.

Section 6 - Severability

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

By

Michael Ubl, Chairman

William Jurack, Supervisor

Tom Lambie, Supervisor

I, Kristi Blumreich, Clerk of the Town of Liberty do hereby certify that this is an exact and true copy of ordinance L101106-1 passed by a majority vote, with a quorum present by the Town Board of Liberty.

Given under my hand and seal this day of

Kristi Blumreich, Clerk