

PROPOSED TOWN OF DIXMONT (9/20/2021)
FIRE AND RESCUE COST RECOVERY ORDINANCE

1. Title

This Ordinance shall be known and may be cited as the “Fire and Rescue Cost Recovery Ordinance of the Town of Dixmont, Maine,” and will be referred to herein as the "Ordinance."

2. Purpose

The purpose of this Ordinance is to establish a fair and equitable procedure to recover costs of the deployment of emergency and non-emergency services by the Dixmont Fire/Rescue Department provided to, and rendered for, the Town of Dixmont.

3. Authority

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine, and Title 30-A M.R.S.A. § 3001.

4. Applicability

A. The provisions of this Ordinance shall govern all emergency and non-emergency incident scenes to which the Dixmont Fire/Rescue Department is dispatched or requested by the Penobscot County Communication Center, written mutual aid agreement, or any State or local agency to: control or confine hazardous materials; extinguish fires; respond to motor vehicle/traffic incidents; or provide overall scene safety.

B. This Ordinance shall be applicable to all individuals or entities who receive emergency or non-emergency services provided by the Dixmont Fire/Rescue Department, as specified in this Ordinance.

5. Responsibility

A. Parties to any incident to which this Ordinance is applicable (i.e., “Responsible Party”) shall provide the Dixmont Fire Chief and/or Incident Commander with sufficient personal and insurance information, including, but not limited to, policy numbers and contact information for their insurance underwriters and agents, to enable Dixmont Fire/Rescue to file claims with the Responsible Party or Parties, a Responsible Party’s insurance carrier(s), or a third-party agency to recover the costs incurred during the incident.

B. In the event a Responsible Party has no insurance, Dixmont Fire/Rescue may, but shall not be required to, bill the Responsible Party directly.

6. Establishment of Mitigation Rates

The Town Selectboard, with input from the Dixmont Fire/Rescue Department, may establish Mitigation Rates for the delivery of emergency and non-emergency services by the Dixmont Fire/Rescue Department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents, as listed in “EXHIBIT A." The Mitigation Rates shall be based on actual costs of the services and that which is usual, customary and reasonable, which may include any services, personnel, supplies, and equipment.

7. Automatic Adjustment of Mitigation Rates

The Town Selectboard may increase the Mitigation Rates annually based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, or by 1.5% annually, whichever is more, in order to keep the Dixmont Fire/Rescue Department’s cost recovery program in conformity with increasing operating expenses. Rate adjustments, if made, shall occur on the first day of the month following the Dixmont Annual Town Meeting.

8. Administration and Billing

A. Following conclusion of an emergency or non-emergency response incident meeting the requirements of this Ordinance, the Dixmont Fire Chief, or his/her designee shall prepare a detailed listing of all known expenses incurred as a result of the incident.

B. The Dixmont Fire Chief, or his or her designee shall determine the total assessable costs and shall, in consultation with other Town personnel and entities involved in responding to the incident, determine whether to assess any, all, or part of such costs against any of the Responsible Parties.

In making such determination, the following shall be considered:

- (1) the total assessable costs;
- (2) the risk the public safety or fire emergency incident imposed on the Town, its residents and their property;
- (3) whether there was any injury or damage to person or property;
- (4) the extent the public safety or fire emergency incident required an unusual or extraordinary use of Town personnel or equipment; and
- (5) whether there was any damage to the environment.

C. After consideration of the factors in (B) immediately above, the Dixmont Fire Chief may allocate assessable costs among and between Responsible Parties, including allocating all or some of such costs jointly and severally against more than one Responsible Party regardless of whether a Responsible Party has other legal liability therefore or is legally at fault.

(D) If the Dixmont Fire Chief determines not to assess all or part of assessable costs against a Responsible Party, such determination shall not in any way limit or extinguish the liability of the Responsible Party to the other parties.

(E) The Dixmont Fire Chief, or a designated third-party billing agent, shall prepare and send an invoice to the Responsible Party or the Responsible Party's insurance carrier for its proportionate share of the assessable costs. Such invoice shall be due and payable within thirty (30) days of the date of the mailing.

9. Reserve Accounts

All money collected from the above billing, less costs of collection, shall be made out to Dixmont Fire Department, which in turn will write a check to Dixmont Rescue for its portion. Each department may decide into which account it will deposit the funds.

10. Default in Payment

Any failure by a Responsible Party to pay the invoice within the time period provided in Section 8 shall be considered in default. In case of default, Dixmont Fire/Rescue may authorize commencement of a civil lawsuit or collections to recover such costs, plus any additional costs, or expenses for attorney fees and court costs, as allowed by law.

11. Conflicts 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 imposes a greater restriction upon the use of the Dixmont Fire/Rescue Department's services, the provision of this Ordinance shall control.

12. Severability

Sections of this Ordinance shall be deemed severable. In the event any section, clause, or provision of this Ordinance is declared invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

13. Effective Date

This Ordinance shall become effective upon the date of adoption by the Dixmont Selectboard.

14. Adoption Date

This Ordinance was adopted by the Dixmont Selectboard on:

David Bright, First Selectperson

Donald Pendleton, Second Selectperson

Beverly Pare, Third Selectperson

NAME OF DEPARTMENT: Dixmont Volunteer Fire Department, Inc.

ADDRESS: PO Box 100, Dixmont, ME 04932

DATE: August 2021

Cost Recovery Schedule of Fees

Base Rate: \$250.00

Hourly rates represent volunteer employee cost of compensation for lost time and wear and tear on clothing and vehicles.

Personnel: Hourly rate charged in 30-minute blocks

Volunteer Personnel:

Company Officer \$20.00

EMT/Firefighter \$15.00

Apparatus: Hourly rate charged (1-hour minimum)

EMS Units

BLS Rescue \$60.00

Rescue/Structural Engine

Engine 481 \$150.00

Structural Engine

Engine 484 \$125.00

Water Tanker

Tanker 483 \$90.00

Wildfire Type VI

Brush 486 \$75.00

Services/durable tools used: (Billed with approval of the Fire Chief or designee)

Type of Call/Service Rendered	Hourly rate
Road Hazard (Trees down, wires down) (billing based on responsibility for car accident, failed equipment, storm damage will be assessed for EMA reimbursement under State of Emergency)	* actual apparatus and personnel responding

False alarm	<i>* actual apparatus and personnel responding</i>
Intentionally set/illegal fires	<i>* actual apparatus and personnel responding</i>
Motor vehicle collision	<i>* actual apparatus and personnel responding</i>
Structure Fire	<i>* actual apparatus and personnel responding</i>
Traffic control (per hr/ 1-hr min)	<i>* actual apparatus and personnel responding</i>
Vehicle fire	<i>* actual apparatus and personnel responding</i>
Wildland fire	<i>* actual apparatus and personnel responding</i>

Damaged Equipment:

Price per

Turn out coat	\$1,300.00
Turn out pant	\$900.00
Fire boots	\$325.00
Fire gloves	\$75.00
Extrication gloves	\$50.00
Helmet	\$350.00
Hose 1 3/4" (per 50' section)	\$125.00
Hose 2.5" (per 50' section)	\$200.00
Hose 4" (per 100' section)	\$700.00

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____