

TOWN OF HOLLAND, BROWN COUNTY, WISCONSIN

ORDINANCE NO. 2021-1-2

**ESTABLISHING PROCEDURE OF COST RECOVERY TO COLLECT
EXTRAORDINARY COSTS FOR FIRE PROTECTION SERVICES**

WHEREAS, the Town of Holland (hereinafter the “Town”), is required to provide fire protection pursuant to Wis. Stats. §60.55 and §60.557; and,

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

- 1) Greenleaf Volunteer Fire Department, Inc.; and,
- 2) Morrison Volunteer Fire Department, Inc.; and,
- 3) Hollandtown Volunteer Fire Department, 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 Extraordinary Costs which are variable and occasionally arise on a fire, rescue, or service call are not directly paid by the Town under said agreements but by the fire departments. The departments are non-taxing authorities that must have a mechanism to recover said Extraordinary Costs either through the Town, the affected property owners, the responsible party or a combination thereof; and

WHEREAS, the purpose of this ordinance is to provide a mechanism for said fire departments to recover said extraordinary and unbudgeted costs from the Town, with the ultimate goal of passing said Extraordinary Costs through the Town to the affected property owner or responsible party, or both.

NOW, THEREFORE, the Town does hereby ordain as follows:

- 1) Costs to be Recovered: “Extraordinary 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, foal, hydration and 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 Mutual Aid Box Alarm agreements.

2) Payment of Extraordinary Costs to Department. The above-referenced fire departments may pass a bill of Extraordinary Costs onto the Town and the Town shall pay said bill of Extraordinary 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.

3) Special Charge for Extraordinary Costs to Responsible Party and Reasonableness of Extraordinary Costs Hearing. The Town shall pass on said bill by sending a special charge to the affected property owner, business entity, other entity, responsible party, and/or person served by the fire departments' response. If a property owner or responsible party objects to the reasonableness of said special charge for Extraordinary Costs, the property owner shall make a written request to the Town Board, within 30 days of mailing of said special charge, for a hearing before the Town Board. Said hearing will be held within 30 days of receipt of the objection by the Town Board. The hearing before the Town Board will determine whether the special charge should be modified or waived or changed in any respect. The determination of the Town Board on such modification or waiver or approval of the special charge shall be provided in writing to the property owner by the Town Clerk within 10 days of the hearing and the bill shall be immediately due and payable.

4) Enforcement Procedure of Special Charge for Extraordinary Cost. The Town shall enforce the property owners', business entities' or other entities' responsible parties' or other persons' responsibility to reimburse the Town for any Extraordinary Costs by any legal means, including, but not limited to the following:

- a. Sending said property owner, business entity, other entity, responsible party, and/or person a bill; or,
- b. A lawsuit against said property owner, business entity, other entity, responsible party and/or person; or,
- c. A special charge against real property pursuant to Wis. Stats. §66.0628; or,
- d. The Extraordinary Costs as outlined in paragraph 1) herein and approved by the Town Board, shall be billed by the Town Clerk/Treasurer to the property owner within 90 days of receipt from the fire department and paid to the Town Clerk/Treasurer within 60 days of the date of the bill or date of modification thereof by the Town Board. The failure to pay the bill within 60 days will result in interest being charged at the rate of one and one-half (1 ½) percent per month from the date of the bill or modification. Those bills remaining outstanding, including interest, for more than 60

days as of November 1 of any year, shall become a lien against the real estate from which fire/rescue service was provided and shall be placed on the next tax roll as a delinquent special charge pursuant to Wis. Stats. §66.0628; or

e. A combination of any of the above.

5) Other Special Cost for Fire Service. The Town recognizes that the Town, but not necessarily the fire department, has the ability to recover costs pursuant to Wis. Stats. §60.557 (calls on state or county trunk highways), 44 CFR 151 (firefighting on federal property), and other available laws and programs. The Town agrees to cooperate with the above-referenced fire departments and assist them in recovering said costs in accordance with any law, agency, or program.

6) Severability. If any provision of this Ordinance or its application to any person or entity or underlying circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

7) Effective Date. This Ordinance becomes effective upon passage and publication.

The Town Clerk/Treasurer shall properly post or publish this ordinance as required under §60.80 of the Wisconsin Statutes.

Adopted this ____ day of _____, 2021.

Jerome Wall, Chairman

Michael Geiger, Supervisor

Tom Vande Wetering, Supervisor

Attest: _____
William Clancy, Clerk