

SUBCHAPTER 3: FIRE PROTECTION FEES

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The Town of Lyndon, in order to promote the public health, safety, general welfare and good order of the Town, and in order to defray the expense of providing fire protection in the Town, ordains that fees for fire calls made to persons or locations within the Town shall be charged according to this subchapter.

7.301 AUTHORITY

This subchapter is adopted pursuant to §§ 60.55(2)(b) and 66.0627 Wis. Stats.

7.302 ESTABLISHMENT OF FEE

The Town shall charge an "Emergency Response Fee" (hereinafter "Fee") to the owners of real property, to the owners of personal property, and/or to the persons or entities who are the subject of or who are responsible for causing an emergency or other event, for which emergency services are provided by a Fire Department serving the Town. "Emergency services" include (but are not limited to) Fire Department responses to (i) fire calls, (ii) carbon monoxide calls, (iii) "jaws of life" calls, (iv) EMT calls, and (v) all other emergency calls and services rendered by the Fire Department.

7.303 RESERVED FOR FUTURE USE**7.304 PERSONS LIABLE FOR FEE**

Each owner of real property and/or personal property for which emergency services are provided, and each person responsible for causing or starting an emergency for which emergency services are provided, and each person who is the recipient of emergency services, shall be jointly and severally liable to the Town for the Fees established herein. Persons or property exempt from real property taxes, personal property taxes, and/or income taxes (e.g. governmental entities, churches, schools, etc.) are not exempt from this Fee.

7.305 FEE SCHEDULE

A fee schedule for emergency services shall be established by separate resolution of the Town Board.

7.306 COLLECTION OF FEE

- (1) COMPUTATION OF FEE:** After each emergency service call, the Fire Department rendering the service shall submit to the Town Clerk a report of the services rendered, along with such information as the Town may need to calculate the Fee and to identify the responsible party. Within a reasonable time after receipt of the information from the Fire Department, the Town shall calculate a bill for the emergency services pursuant to the Fee Schedule.
- (2) DUE DATE:** Payment of all Fees shall be due within 30 days of mailing the first bill. (See, §70.47 Wis. Stats.)
- (3) SUBMITTAL FIRST TO KNOWN INSURER:** Upon computation of the Fee, the Town shall mail the bill to the insurer(s), if known, of the person(s) liable for the Fee. The Town shall also mail a copy of this correspondence to the person(s) liable (if known) for the Fee. The Town shall take such additional steps (short of litigation) as the Town deems reasonable and necessary to attempt to obtain payment of the Fee from the insurer(s).
- (4) COLLECTION FROM PERSON(S) LIABLE:** If no insurance exists, or if the Town is unable to identify or locate any insurance, or if the Town is unable to obtain payment from an identified insurer within 60 days of the date on which the aforesaid bill was first mailed,

SUBCHAPTER 3: FIRE PROTECTION FEES

then the Town shall take such steps, as the Town deems reasonable and necessary, to collect the Fee directly from the person(s) liable. If the Town collects a Fee from an insurer after the Fee is collected from the insured, the Town shall reimburse the Fee to the insured.

- (5) **LIEN ON REAL PROPERTY:** All unpaid Fees shall become a lien (i) against the real property, located in the Town, for which the emergency response was provided, and/or (ii) against the real property, located in the Town, which is owned by a person liable for the Fee. If a Fee is not paid within 60 days from the date of first billing, the Fee shall be placed on the tax roll by the Town as a special charge against such real property, pursuant to §66.0627 Wis. Stats.
- (6) **COLLECTION FROM COUNTY FOR FIRE CALLS ON COUNTY TRUCK HIGHWAYS:** Pursuant to §60.557(1) Wis. Stats., if the Town makes a reasonable effort to collect the Fee for a fire call on a county trunk highway, but is unable to collect the Fee from the liable person(s) or the insurer, the Clerk shall submit written proof thereof to the County, and collect from the County an amount allowed by State Law. If the Town collects the cost from an insurer or liable person(s) after the County reimburses the Town, the Town shall return the amount collected to the County.
- (7) **COLLECTION FROM DOT FOR FIRE CALLS ON STATE TRUNK HIGHWAYS:** Pursuant to §60.557(2) Wis. Stats., if the Town makes a reasonable effort to collect the Fee for a fire call on a state trunk highway or interstate highway, but is unable to collect the Fee from the liable person(s) or the insurer, the Clerk shall submit written proof thereof to the DOT, and may collect from the DOT an amount allowed by State Law. If the Town collects the cost from an insurer or liable person(s) after the DOT reimburses the Town, the Town shall return the amount collected to the DOT.
- (8) **ALTERNATIVE COLLECTION:** As an alternative to and in addition to the provisions set forth above, the Town may pursue any remedy available at law or in equity for the collection of an unpaid Fee.

7.307 APPEALS

The Board is hereby authorized and appointed to hear and decide all appeals made by any insurer or liable person upon whom a Fee has been imposed. Any insurer or liable person may appeal any Fee by filing with the Town Clerk a written appeal, within thirty (30) days after the date of the first billing of the fee from which the appeal is taken. Such appeal shall be in writing and shall include the following:

- (a) The name and address of the property owner(s) and responsible person(s);
- (b) The amount of the Fee being contested;
- (c) The date, location and description of the property involved in the emergency; and
- (d) A narrative summary stating, with specificity, the grounds for contesting the Fee.

The Board shall hold a hearing within forty-five (45) days after receipt of such appeal, and shall give written notice to all interested parties at least ten (10) days prior to such hearing. The Chairperson shall administer oaths to all persons providing factual testimony to the Board and may compel the attendance of any witness by subpoena. The appellant shall attend said hearing in person, and may also be represented by counsel. The Board shall decide all appeals within thirty (30) days after the conclusion of said hearing, and shall transmit a signed copy of its decision to the appellant and all other interested parties. Nothing herein shall limit the Board from adjourning and continuing the hearing from time to time and place to place for the purpose of accommodating the attendance of interested persons, witnesses, and Board members, or for the purpose of preparing or presenting additional facts or argument. Moreover, the Board may adopt such additional procedural rules as it deems necessary to ensure a fair, impartial, and expedient hearing on each appeal. The decision of the Board shall be final.

SUBCHAPTER 3: FIRE PROTECTION FEES

7.308 LIABILITY FOR FIRE CALLS FROM OTHER DEPARTMENTS.

It is the policy of the Town to contract with one or more Fire Departments. Any property owner requesting fire protection directly from any Fire Department other than those with whom the Town has contracted shall be responsible for all costs billed to the Town by any other Fire Department. This section shall not apply to the costs of any other Fire Department responding, at the request of an authorized Fire Department, under mutual aid.

SUBCHAPTER 3: FIRE PROTECTION FEES

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