

# TOWN OF NEW PORTLAND FIRE AND RESCUE COST RECOVERY ORDINANCE

## 1. Title

This Ordinance shall be known and may be cited as the “New Portland Fire and Rescue Cost Recovery Ordinance” and will be referred to herein as the “Ordinance.”

## 2. Purpose

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

## 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 New Portland Fire/Rescue Department is dispatched or requested by the Somerset County Communication Center, written mutual aid agreement, or any State or local agency to: control or confine hazardous materials; extinguish fire; respond to motor vehicle/traffic incident; 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 New Portland Fire/Rescue Department, as specified in this Ordinance.

C. Definition of Billable Services, see Exhibit B

## 5. Responsibility

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

B. In the event the Responsible Party has no insurance, the Town of New Portland may, bill the Responsible Party directly.

## **6. Service Fees**

The Town Select Board, with input from the New Portland Fire/Rescue Department, shall establish cost rates for the delivery of emergency and non-emergency services by the New Portland Fire/Rescue Department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents, as listed in Exhibit A "Fees for Service." The cost rates shall be based on actual cost of the services and that which is usual, customary, and reasonable, which may include any services, personnel, supplies and equipment.

## **7. Annual Review of Service Fees**

The Town of New Portland Board of Selectmen, and Fire Chief or a designee will review and adopt fee schedules mentioned below yearly and will authorized Central Maine Cost Recovery to perform third party billing for the Town of New Portland.

## **8. Administration and Billing**

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

B. The New Portland Fire Chief shall determine the total assessed 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.

(C) If the New Portland Fire Chief determines not to assess all or part of the assessed 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.

(D) The New Portland 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 their 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 Account**

All monies collected from above billing, less costs of collection, shall be deposited to the "Fire/Rescue Department Reserve" account with limit of \$75,000 annual, any amount received above this amount shall be placed in the Town of New Portland General Fund.

## **10. Default in Payment**

Any failure by the Responsible Party to pay the invoice within the time period provided in Section 8 shall be considered in default. In case of default, the Town Select Board may authorize commencement of a civil lawsuit 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 New Portland 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. Denial of Services**

New Portland Fire/Rescue Department services shall not be denied to or withheld from any entity because of lack of insurance or refusal of payment.

## **14. Effective Date**

This Ordinance shall become effective upon the date of adoption by the Town of New Portland.

## **15. Adoption Date**

This Ordinance was adopted by the Town of New Portland on \_\_\_\_\_, 2023.

**EXHIBIT A**  
**New Portland Fire and Rescue Cost Recovery Service Fees**

**Service Fees:**

The following is the cost for services responding to incidents:

Engine \$350.00 hr.  
Tanker \$250.00 hr.  
Rescue \$250.00 hr.  
Brush truck \$150.00 hr.  
ATV \$100.00 hr.  
POV for responders \$50.00 hr.  
Jaws of Life \$500.00 flat rate  
Fuel spill/HazMat \$250.00 flat rate  
Landing Zone \$450.00 flat rate  
Chief \$35.00 hr.  
Fire Officers \$25.00 hr.  
Firefighters \$20.00 hr.  
Foam \$100.00/per 5-gal pail  
Fuel Surcharge \$75.00 Flat rate per incident  
Independent contractors/equipment will be billed at the rate the town/fire dept  
are billed

There will be a 1-hour minimum charge for all incidents followed by rounding to the next half hour thereafter.

**EXHIBIT B**  
**New Portland Fire and Rescue Definition of Services**

**Definition of Billable Services:** The New Portland Fire/Rescue Department will seek payment for the cost of service provided by this department when responding to incidents. The New Portland Fire/Rescue Department shall seek payment for (but not limited to the following):

**A: Scene and Safety Control at traffic accidents:**

Position of the fire apparatus and personnel to protect the scene from other traffic and deny entry into the scene of unauthorized personnel. NPFDD personnel will move traffic around the area that the incident command has deemed as the safe zone for occupants of the vehicles and the rescuers. 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 airbag propellants. The most important function is establishing incident command of the scene which is the fire department's responsibility at emergency incidents and to coordinate with other responding agencies. Patient care is the responsibility of the Emergency Medical Services (EMS) personnel.

**B: Disentanglement operations and assist to rescue with extrication:**

Anytime a person must be lifted or taken out of an emergency situation, or forcible entry is necessary to gain proper access to victims, the fire department will coordinate with EMS personnel to resolve/rescue the victims. This could include, but not limited to; Car Accidents, industrial accidents, confined spaces, below grade rescues, or high angle rescues to name a few. Items needed to affect the rescue may also include, but not be limited to, ladders, air monitoring equipment, S.C.B.A., hydraulic equipment, shoring blocks, saws, cribbing, and air bags. Other items may be used that are not listed in this paragraph.

**C: Fluid and hazardous substance mitigation at traffic accidents:**

Anytime the fire department must 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.

**D: Vehicle Fires**

Anytime the fire department must contain or extinguish a fire in a motor vehicle. This includes, but not limited to, passenger cars, trucks, semi-trucks, tractor trailers, construction equipment, farm equipment, all-terrain vehicles, and snowmobiles. This 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. Vehicle fires may also require the use of a suppression agent such as foam to help extinguish the fire.

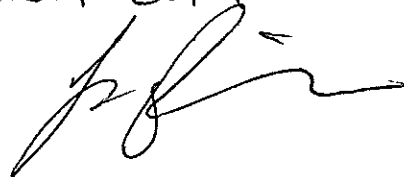
**E: Brush / Wildland Fires:**

Anytime the fire department must contain or extinguish a fire that involves grass, wildland area, brush piles, and trees. This includes permitted burns that get out of the control of the permit holder. Unpermitted burns will be billed through the legal process.

**F: Electrical hazards:**

Anytime the fire department must protect citizens and property from electrical hazards. This includes blocking off roadways.

A True Attest Copy

, Town Clerk

6/5/23