

**TOWN OF JAY
FIRE DEPARTMENT SERVICES
COST RECOVERY ORDINANCE**

A TRUE COPY ATTEST CERTIFIED BY:

Ronda L. Palmer, Town Clerk

Adopted: November 2, 2021

TOWN OF JAY FIRE DEPARTMENT SERVICES COST RECOVERY ORDINANCE

SECTION 1. STATEMENT OF PURPOSE AND AUTHORITY: The Town of Jay is engaged in providing fire suppression, fire rescue and fire safety services; and in consideration of services rendered hereby desires to set the following restitution policy for Fire Department services. This Ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A, Section 3001.

SECTION 2. EFFECTIVE DATE: This Ordinance shall take effect upon affirmative vote of the Town of Jay and may be amended from time to time by majority vote of the citizens.

SECTION 3. SEVERABILITY: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

SECTION 4. CONFLICT: Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

SECTION 5. DEFINITION OF SERVICES: The Town of Jay will seek payment for the cost of services provided by the Town of Jay Fire Department when responding to incidents involving non-residents in the Town of Jay, or upon request of Mutual aid from other municipalities. Resident may be billed for calls involving negligence to include repeated false fire and/or sprinkler alarms and car accidents related to negligence. Services the Town of Jay shall seek payment for include, but are not limited to:

- Response to a hazardous material incident;
- Response to a vehicle crash and/or vehicle fire;
- Response to an aircraft crash and/or aircraft fire;
- Response to false fire and/or sprinkler alarms (after 3 incidents in a 12 month period);
- Standby for utility lines in the roadway caused by crashes;
- Any other incident as determined by the Fire Chief.

SECTION 6. FEES FOR SERVICES: Upon adoption of this Ordinance, the Selectboard shall be authorized to review and set the fees for the Fire Department services as they deem in the best interest of the Town of Jay. Such fees may be amended from time to time by a majority vote of the Selectboard.

SECTION 7. COST RECOVERY BILLING: The Town may use a third-party billing agency for claims made to insurance companies as provided by law and may add other types of incidents as allowed by law. The Town shall only seek restitution for Fire Department Services from insured individuals or companies. Terms of compensation to the third-party billing company shall be agreed upon and approved by the Selectboard and set forth in an agreement.

SECTION 8. REVENUES: All revenues received from cost recovery shall be placed in the Fire Department Capital Account.

SECTION 9. DENIAL OF SERVICES: Fire Department services shall not be denied to or withheld from any entity because of lack of insurance or refusal of payment.