

**ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN**  
**Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code**

**Title: AN ORDINANCE REGARDING FIRE PROTECTION CHARGES IN THE TOWN OF COTTAGE GROVE**

Code Section(s) created, amended, or repealed	<u>7.03</u>
Presented to Board by	<u>Town Attorney</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>9/3/2013</u>
Date adopted	<u>9/3/2013</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>9/6/13</u>
Date of publication of adoption of ordinance	<u>N/A</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Section 7.03 entitled "Fire Protection Charges" is hereby created to read as follows:

**7.03 FIRE PROTECTION CHARGES**

**(1) PURPOSE.**

The purpose of this ordinance is to authorize the Town of Cottage Grove to recover the cost of Third-Party Fees, Third-Party Fire Department Fees, Extraordinary Costs, and Collection Costs associated with fire protection within the Town of Cottage Grove, Dane County, Wisconsin.

**(2) AUTHORITY.**

The Town Board of the Town of Cottage Grove has specific authority under Wis. Stats. s. 60.55 (2)(b) to adopt this ordinance for the payment of Third-Party Fees, Third-Party Fire Department Fees, Extraordinary Costs, and Collection Costs incurred by the Town of Cottage Grove.

**(3) LIABILITY FOR COSTS OF FIRE CALLS FROM FIRE DEPARTMENTS OTHER THAN AUTHORIZED FIRE DEPARTMENT ("Third-Party Fire Department Fees").**

It is the policy of the Town of Cottage Grove to provide fire protection within the Town pursuant to its agreement with the Cottage Grove Fire Department, Inc. ("Authorized Fire Department"). Any person requesting fire protection directly from any other fire department shall be responsible for the full costs billed to the Town resulting from the fire call ("Third-Party Fire Department Fee"), plus reasonable administrative costs and actual costs of collection (including filing fees and legal fees incurred) (collectively, "Collection Costs"), in the same manner as other Third-Party Fees. (See Section 4 below.). This section shall not apply to the costs of any other

department responding at the request of the Authorized Fire Department under a mutual aid agreement.

**(4) LIABILITY FOR COSTS FROM THIRD-PARTY CONTRACTORS (“Third-Party Fees”).**

The Town is not responsible for costs charged by third-party contractors who needed to effectively fight a fire. For example, if during the course of fighting a fire, the Authorized Fire Department determines that it is necessary to obtain the services of a third-party excavator to remove the debris of a building, that third-party contractor would bill for the services provided and the Town would then need to charge the property owner in order to recoup the third-party contractor fees. To that end:

- (a) The Town hereby imposes a charge for each fire call made within the limits of the Town that results in a charge to the Town by a third-party (“Third-Party Fee”). The costs for said third-party services are typically billed to the Town or the Authorized Fire Department. Any such Third-Party Fee, plus reasonable administrative costs and actual costs of collection (including filing fees and legal fees incurred) (collectively, “Collection Costs”), shall be imposed on the owner as set forth in this ordinance.
- (b) The Third-Party Fee and Collection Costs shall not exceed the actual cost to the Town or \$25,000.00, whichever is less.
- (c) If the fire call is to real property located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made and liability for payment of same shall be joint and several. In the event that a fire call is not made to real property located within the Town, but is instead made to a vehicle located on a public road within the Town or other personal property located within the Town, the charges provided for under this ordinance shall be imposed on all owners of the personal property.

**(5) LIABILITY FOR EXTRAORDINARY FIRE PROTECTION COSTS (“Extraordinary Costs”).**

The Town is not responsible for excessive costs incurred for fighting an exceptional fire (“Extraordinary Costs”). For example, if a fire occurs at a property where chemicals are stored and the Authorized Fire Department incurs excessive costs, the Authorized Fire Department would bill for the services provided and the Town would then need to charge the property owner in order to recoup the third-party contractor fees. To that end:

- (a) The Town hereby imposes a charge for each fire call made within the limits of the Town that results in a charge to the Town for Extraordinary Costs. Extraordinary Costs are typically billed to the Town or the Authorized Fire Department. Any such Extraordinary Costs, plus reasonable administrative costs and actual costs of collection (including filing

fees and legal fees incurred) (collectively, "Collection Costs"), shall be imposed on the owner as set forth in this ordinance.

- (b) The Extraordinary Costs and Collection Costs shall not exceed the actual cost to the Town or \$25,000.00, whichever is less.
- (c) If the fire call is to real property located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made and liability for payment of same shall be joint and several. In the event that a fire call is not made to real property located within the Town, but is instead made to a vehicle located on a public road within the Town or other personal property located within the Town, the charges provided for under this ordinance shall be imposed on all owners of the personal property.

(6) **BILLING AND PAYMENT PROCEDURE.**

The costs of fire calls as outlined in this ordinance shall be billed by the Town Clerk to the property owner and paid in full to the Town Treasurer no later than 60 days after the date of the bill. The failure to pay the bill within 60 days will result in the bill being deemed delinquent unless otherwise approved by the Town Board. The Town shall charge interest at the rate of one percent (1%) per month, or any part thereof, from the date that the bill is deemed delinquent until paid in full. Those bills for Third-Party Fees, Third-Party Fire Department Fees, Extraordinary Costs, Collection Costs and accrued interest that relate to real property and that have been outstanding for more than 60 days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under Wis. Stats. § 66.0627.

(7) **SEVERABILITY.**

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(8) **EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as required Wis. Stats. § 60.80.

*[Signatures on following page]*

Adopted this 3<sup>rd</sup> day of September, 2013, by a vote of 5 for, 0 against, and 0 abstentions.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

**ATTEST:**

  
\_\_\_\_\_  
Kim Banigan, Town Clerk

Approved as to form this  
\_\_\_\_ day of \_\_\_\_\_, 2013.

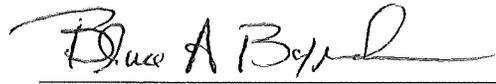
STAFFORD ROSENBAUM LLP

\_\_\_\_\_  
Constance L. Anderson  
Cottage Grove Town Attorney

**ACKNOWLEDGMENT**

Fire Chief Bruce Boxrucker has had an opportunity to review the above ordinance and hereby acknowledges same on behalf of the Cottage Grove Fire Department, Inc.

Dated: 8.26.2013

  
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Fire Chief Bruce Boxrucker