

## **Chapter 42**

### **FIRE PREVENTION AND PROTECTION**

#### **Sec. 42-2. Emergency response, legislative findings, authority, and fees.**

##### **(a) Legislative findings.**

The Town finds that: (1) protection of life and property is a fundamental municipal function; (2) the provision of emergency-response services (fire suppression, hazardous-materials mitigation, vehicle extrication, and similar services) imposes direct, identifiable costs to the Town; and (3) where such costs are recoverable through a liable party's insurance coverage, the Town may recover reasonable costs to defray those expenses without converting those fees into a tax. This ordinance is enacted pursuant to the Town's statutory powers and consistent with state law governing municipal duties and fee schedules.

##### **(b) Authority.**

The Town Council is authorized to adopt and amend, by resolution, a schedule of fees under this section. Fees imposed under this section are not taxes and are intended to be billed to liable third-party payors, including insurance carriers, when coverage exists.

##### **(c) Definitions.**

For this section the following definitions shall apply:

- 1) "Fire Department" means the Town of Coventry Fire/EMS Department and any mutual aid agency operating under the Town's command at an emergency incident.
- 2) "Emergency incident" means any incident requiring a response by the Fire Department including but not limited to fire suppression, motor vehicle collision, (with or without injuries) hazardous-materials incident, or technical rescue, and any other emergency response in which town personnel, apparatus, or specialized equipment are deployed.
- 3) "Responsible party" means any person, business, entity, or insurer liable for costs incurred by the Town as a result of an incident described in subsection (d).

##### **(d) Billable responses.**

Fees may be assessed for town responses that include, but are not limited to: (1) fire suppression (structure, vehicle, brush); (2) motor vehicle collisions requiring stabilization, extrication, or spill control; (3) hazardous materials mitigation or containment; (4) responses that deploy specialized equipment or apparatus beyond routine standby; and (5) false alarm or unnecessary alarm responses after the first response within a 12-month period, as set by the fee schedule.

##### **(e) Fee schedule and methodology.**

(1) The Town shall adopt a fee schedule by separate resolution that reasonably apportions recoverable costs among personnel time, apparatus time (hourly apparatus rates), consumable supplies, and specialized equipment. The fee schedule shall be based on actual cost data, reviewed at least annually, and posted on the Town website. (2) The Town may adopt a reasonable minimum time charge and differentials for night/holiday responses consistent with local practice.

##### **(f) Billing procedures.**

(1) The Fire Department shall submit invoices to the responsible party or that party's insurer

within a commercially reasonable time following the incident and shall include incident documentation sufficient to support the charge. (2) If insurance proceeds are available, the fee shall be billed to the insurer. (3) If no insurance coverage exists, the Town may pursue collection from a responsible party consistent with state law and the Town's billing and collection policies. (4) The Town shall not refuse, or delay emergency response based on billing considerations.

**(g) Exemptions and limits.**

(1) The following are exempt from fees under this section: (A) nonprofit, social, charitable, and religious institutions not covered by insurance (as already exempted under Sec. 42-1); (B) mutual aid responses requested by another governmental jurisdiction; and (C) town-owned property responses, except where the Town elects to bill a third-party insurer pursuant to contract or law.

(2) Fees shall not be charged in a manner that conflicts with state law or applicable federal law.

**(h) Appeals and billing disputes.**

A responsible party or insurer may contest billed charges in writing within 30 days of receipt; disputes shall be handled under an administrative review process established by the Town Manager/Finance Director prior to any collection action.

**(i) Records and transparency.**

The Fire Department shall maintain contemporaneous incident and cost records for at least five years and shall make non-confidential billing policies and the fee schedule available to the public.

**(j) Severability.**

If any provision of this section is held invalid, or its application to any person, or circumstance, is held invalid or unenforceable by a court or competent jurisdiction, the remaining provisions shall remain in full force and effect to the maximum extent permitted by law.

**(k) Effective date.**

This section shall take effect on [date]. The initial emergency response cost-recovery fee schedule shall be presented to the Town Council for adoption within 60 days of adoption of the effective date of this section..