

**TOWN OF HOLDEN**  
**FIRE AND RESCUE COST RECOVERY ORDINANCE**

**1. Title**

This Ordinance shall be known and may be cited as the “Fire and Rescue Cost Recovery Ordinance of the Town of Holden, Maine,” and will be referred to herein as the “Ordinance.”

**2. Purpose**

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

**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 Holden Fire/Rescue Department is dispatched or requested by the Penobscot 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 Holden Fire/Rescue Department, as specified in this Ordinance.

**5. Responsibility**

A. Parties to any incident to which this Ordinance is applicable (i.e., “Responsible Party”) shall provide the Holden 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 Holden 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 Holden may, but shall not be required to, bill the Responsible Party directly.

**6. Establishment of Mitigation Rates**

The Town Council, with input from the Holden Fire/Rescue Department, shall establish Mitigation Rates for the delivery of emergency and non-emergency services by the Holden Fire/Rescue Department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents, as listed in “EXHIBIT A.” The Mitigation Rates shall be based on actual costs of the services and that which is usual, customary and reasonable, which may include any services, personnel, supplies, and equipment.

**7. Automatic Adjustment of Mitigation Rates**

The Mitigation Rates shall increase by 1.5% annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the anniversary date of this Ordinance in order to keep the Holden Fire/Rescue Department’s cost recovery program in conformity with increasing operating expenses.

**8. Administration and Billing**

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

B. The Holden Fire Chief shall determine the total assessable 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. In make such determination, the following shall be considered:

- (1) the total assessable costs;
- (2) the risk the public safety or fire emergency incident imposed on the Town, its residents and their property;
- (3) whether there was any injury or damage to person or property;
- (4) the extent the public safety or fire emergency incident required an unusual or extraordinary use of Town personnel or equipment; and
- (5) whether there was any damage to the environment.

C. After consideration of the factors in (B) immediately above, the Holden Fire Chief may allocate assessable costs among and between Responsible Parties, including allocating all or some of such costs jointly and severally against more than one Responsible Party regardless of whether a Responsible Party has other legal liability therefore or is legally at fault.

(D) If the Holden Fire Chief determines not to assess all or part of assessable 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.

(E) The Holden 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 and used consistent with the terms of said reserve account.

**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 Council 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 Holden 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. Effective Date**

This Ordinance shall become effective upon the date of adoption by the Holden Town Council.

**14. Adoption Date**

This Ordinance was adopted by the Holden Town Council on November 18, 2019.

**EXHIBIT A**

**MITIGATION RATES  
BASED ON PER HOUR**

**MOTOR VEHICLE INCIDENTS**

**Level 1 - \$494.00**

Provide hazardous materials assessment and scene stabilization. This will be the most common “billing level”. This occurs almost every time the Fire/Rescue Department responds to an accident/incident.

**Level 2 - \$562.00**

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the Fire/Rescue Department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

**Level 3 – CAR FIRE - \$687.00**

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

**ADD-ON SERVICES:**

**Extrication - \$1,483.00**

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the Fire/Rescue Department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and Fire /Rescue Department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

**Creating a Landing Zone - \$454.00**

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

**Itemized Response:** The Town has the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

## **ADDITIONAL TIME ON-SCENE**

Engine billed at \$455 per hour.

Truck billed at \$568 per hour.

Miscellaneous equipment billed at \$341.

Heavy Rescue billed at \$400 per hour.

## **HAZMAT**

### **Level 1 - \$796.00**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

### **Level 2 - \$2,842.00**

**Intermediate Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

### **Level 3 – \$6,707.00**

**Advanced Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$336.00 per HAZMAT team.**

## **ADDITIONAL TIME ON-SCENE (for all levels of service)**

Engine billed at \$455 per hour.

Truck billed at \$568 per hour.

Miscellaneous equipment billed at \$341.

## **FIRES**

**Assignment - \$455.00 per hour, per engine / \$568.00 per hour, per truck**

### **Includes:**

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common “billing level”. This occurs almost every time the Fire/Rescue Department responds to an incident.

## **ILLEGAL FIRES**

### **Assignment - \$455.00 per hour, per engine / \$568.00 per hour, per truck**

When a fire is started by any person or persons that requires a Fire/Rescue Department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the Fire/Rescue Department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the Fire/Rescue Department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the Fire/Rescue Department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

## **WATER INCIDENTS**

### **Level 1**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common “billing level”. This occurs almost every time the Fire/Rescue Department responds to a water incident.

**Billed at \$455 plus \$57 per hour, per rescue person.**

### **Level 2**

**Intermediate Response:** Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the Fire/Rescue Department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

**Billed at \$909 plus \$57 per hour, per rescue person.**

### **Level 3**

**Advanced Response:** Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

**Billed at \$2,274 plus \$57 per hour per rescue person, plus \$114 per hour per HAZMAT team member.**

**Level 4**

**Itemized Response:** You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

**BACK COUNTRY OR SPECIAL RESCUE**

**Itemized Response:** Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

**Minimum billed \$455 for the first response vehicle plus \$57 per rescue person. Additional rates of \$455 per hour per response vehicle and \$57 per hour per rescue person.**

**CHIEF RESPONSE**

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

**Billed at \$284 per hour.**

**MISCELLANEOUS / ADDITIONAL TIME ON-SCENE**

Engine billed at \$455 per hour.

Truck billed at \$568 per hour.

Miscellaneous equipment billed at \$341.