

COST RECOVERY FOR SERVICES ORDINANCE

Proposed 4.4.22

Purpose

The Town is engaged in providing fire suppression, fire and public safety, and other emergency response services, and in consideration of services rendered, desires to establish the restitution policy for fire and public safety services as set forth in this Ordinance.

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.

Applicability

The provisions of this Ordinance shall govern all emergency and non-emergency incident scenes to which the Winthrop Fire and/or other departments are dispatched or requested by written mutual aid agreement, or any State or local agency including, but not limited to: control or confine hazardous materials; extinguish fire; respond to motor vehicle/traffic incident; remove or mitigate safety hazards; or provide overall scene safety.

This Ordinance shall be applicable to all individuals or entities who receive emergency or non-emergency services provided by the Winthrop Fire and/or other departments, as specified in this Ordinance.

Responsibility

Parties to any incident to which this Ordinance is applicable (i.e., “Responsible Party”) shall provide the Winthrop 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 Winthrop to file claims with the Responsible Party’s insurance carrier(s) or a third-party agency to recover the costs incurred during the incident.

Establishment of Fees

The Winthrop Fire Chief shall establish and update as needed a schedule of fees for the delivery of emergency and non-emergency services by the Winthrop Fire and/or other departments for personnel, supplies, and equipment to the scene of emergency and non-emergency incidents. The schedule of fees shall be based on actual costs of the services and that which is usual, customary, and reasonable, which may include services, personnel, supplies, and equipment and may also include costs incurred by other Town departments participating in the incident response.

Restitution and Billing Procedure

The Town may seek restitution for costs of Town services by filing claims with the Responsible Party’s insurance company. The Town is authorized to enter into a cost recovery agreement with

a third-party billing company for the billing and collection of fees for Fire Department or other services, at her/his discretion through the filing of insurance claims. All such claims shall be submitted in the name of the Town. The Town shall only seek restitution for services from insured individuals or companies

The Finance Director is authorized to institute legal action to collect insurance claims that remain outstanding for more than 60 days. Any legal and late fees associated with the attempt to collect outstanding payments incurred by the Town shall be added to and in addition to the original claim. The Finance Director is authorized to write off claims, when a claim is not paid with a valid reason (e.g., insured but not at fault, not covered) or if all attempts to contact the insurance company fail by any common method available.

Administration and Enforcement

It shall be the duty of any third-party billing company with a valid cost recovery agreement with the Town to effectively pursue the requirements of this Ordinance for payment of services rendered by the Town as specifically outlined herein.

Insurance Requirements

The third-party billing company shall at all times have valid General Liability insurance policy, a Cyber Liability policy, an Errors and Omissions Policy, and the Town shall be named as an additional insured on such policies.

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.

Conflict with Other Sections

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law.