

TOWN OF RANDOLPH, KENNEBEC COUNTY, MAINE

FIRE DEPARTMENT SERVICE RESTITUTION ORDINANCE

Section 1. Title

This ordinance, adopted by the Town of Randolph (hereinafter "the Town"), shall be known and may be cited as the "Fire Department Restitution Ordinance."

Section 2. Statement of Purpose

The Town of Randolph is engaged in providing fire suppression, fire rescue, and emergency response services; and in consideration of services rendered hereby desires to set the following restitution policy for Fire Department services.

Section 3. Authority

This ordinance is adopted pursuant to municipal home rule ordinance authority and Maine Revised Statutes (§3001 of Title 30-A).

Section 4. Definition of Services

The Town of Randolph will seek payment for the cost of services provided by the Town of Randolph Fire Department when responding to incidents involving non-residents in the Town of Randolph, or upon request of mutual aid from other municipalities.

Services the Town of Randolph shall seek payment for include, but are not limited to:

- A. Scene and safety control at traffic accidents.* Positioning of fire apparatus and personnel so as to protect the scene from other traffic and deny entry into the scene of authorized personnel. Police will move traffic around the area the Fire Department has deemed as the safe zone for the occupants of the vehicles and the rescuers on the scene. Safely staging other incoming agencies responding to this incident may also include a pulled hose line for protection of people on scene from possible fires and fumes or residue from such things as gasoline and air bag propellants. The most important function is establishing incident command of the scene, which is the Fire Department's responsibility at emergency incidents and to coordinate with other responding agencies for their needs at the scene. Patient care is the responsibility of Emergency Medical Service (EMS) personnel but assistance may be requested.
- B. Disentanglement operations and assist rescue with extrication from vehicles.* Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims, the Fire Department will assist ambulance or EMS personnel in a coordinated effort. This could include, but is not limited to: car

accidents, industrial accidents, confined spaces, below grade rescues, or high angle rescues to name just a few. Ropes, ladder devices, air monitoring equipment, self-contained breathing apparatus, hydraulic equipment, shoring, saws, cribbing, and air bags are just a few of the types of equipment used in extrication incidents.

- C. Fluid and hazardous substance mitigation at traffic accidents.* Anytime the Fire Department has to manage any fluids or hazardous substances through containment or absorption with pads, sand or other means permitted by the Department of Environmental Protection (DEP). Mitigation of all hazardous substances is performed in accordance with DEP regulations.
- D. Vehicle Fires.* Anytime the Fire Department personnel have to contain or extinguish a fire, the service includes, but are not limited to the laying of hose lines and positioning a hand line for the protection of individuals at the scene because of fire, smoke, or leaking fluids, such as gasoline.

*This may also include any lost or damaged equipment as a result of the incident.

Section 5. Fees for Services Rendered

Upon adoption of this Ordinance, the Board of Selectmen or Fire Chief in their expressed authority shall be authorized to review and set the fees for Fire Department services as they deem in the best interest of the Town of Randolph. Fees for services shall be limited to cost recovery. Methods of calculating the cost of services shall be identified and generally based upon the average cost or specific cost of providing the service. Cost calculations will include direct costs (apparatus, personnel, and any miscellaneous supplies). All fees collected shall be deposited to the Fire Department Account.

Section 6. Restitution and Billing Procedure

The Town may seek restitution for costs for Fire Department services by filing claims with the insurance companies that insure the individuals or companies involved in an incident where Fire Department Services are provided. The Board of Selectmen are authorized to enter into a Cost Recovery Agreement with a third-party billing company for the billing and collection of fees for Fire Department services through the filing of insurance claims. All such claims shall be submitted in the name of the Town of Randolph. The Town shall only seek restitution for Fire Department Services from insured individuals or companies.

The Board of Selectmen are authorized to institute legal action to collect insurance claims that remain outstanding for more than 60 days. The Board of Selectmen or Fire Chief are authorized to write-off claims, when a claim is not paid with a valid reason

including insured not at fault, or if all attempts to contact the insurance company fail by any common method available.

Section 7. Compensation for Third-Party Collection Services

Terms of compensation to the third-party billing company shall be agreed upon and approved by the Board of Selectmen and set forth in the terms of the Cost Recovery Agreement.

Section 8. Administration and Enforcement

It shall be the duty of the third-party billing company to effectively pursue the requirements of this Ordinance for payment of services rendered by the Fire Department as specifically outlined above.

Section 9. Insurance requirements

The third-party billing company shall at all times during the term of the agreement, have valid General Liability insurance policy, a Cyber Liability policy, an Error and Omissions Policy and the Town of Randolph shall be named as additionally insured.

Section 10. Effective Date

This ordinance shall take effect upon adoption by the Town of Randolph at its annual Town Meeting of July 24, 2019.


Section 11. Validity and Severability

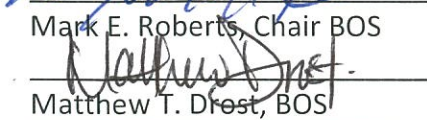
If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 12. Conflict 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 Fire Department Services, the provisions of this Ordinance shall control.

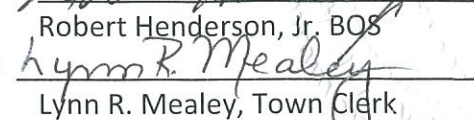
Adopted at Annual Town Meeting 7/24/2019



Mark E. Roberts, Chair BOS


Matthew T. Drost, BOS



Robert Henderson, Jr, BOS
Attested to: 

Lynn R. Mealey, Town Clerk