

TOWN OF LAFAYETTE

ALLOWING THE EAST TROY EMERGENCY SERVICES DISTRICT TO CHARGE FOR MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES

ORDINANCE 10 - 08

WHEREAS, on January 31, 1977, the Town of LaFayette entered into an agreement with the East Troy Volunteer Fire Department to provide services for fire calls in the Town of LaFayette; and

WHEREAS, in 1987 an agreement establishing the East Troy Area Fire District was entered into by and between the Town of LaFayette, Village of East Troy, Town of East Troy and Town of Spring Prairie; and

WHEREAS, on or about January 13, 1992, the Town of LaFayette entered into a Repayment Agreement with the East Troy Area Emergency Services District Commission, Town of East Troy, Village of East Troy and Town of Spring Prairie; and

WHEREAS, on or about January 9, 2008, the Town of LaFayette passed a Resolution Adopting an Amendment to the Amended and Restated Emergency Services Agreement with the East Troy Area Emergency Services District; and

WHEREAS, on or about November of 2009, the Town of LaFayette entered into an Amended and Restated Emergency Services Agreement with the East Troy Area Emergency District; and

WHEREAS, on April 12, 2010, the Town of LaFayette entered into an Amended and Restated Emergency Services Agreement creating and governing the East Troy Area Emergency Services District; and

WHEREAS, the parties to that agreement desire to amend said Agreement to allow the District to set rates for emergency response services related to motor vehicle accidents; and

WHEREAS, the Town Board of the Town of LaFayette believes it is in the best interest for the health, safety and welfare of the community to enter into said Agreement;

WHEREAS, pursuant to §§ 60.55, 66.555, 60.557 and 60.0627, WI State Statutes, the Town of LaFayette has the authority to charge their property owners within the Town for fire protection and emergency response services; and

WHEREAS, the emergency and non-emergency services response activity continues to increase each year; and

WHEREAS, the East Troy Emergency Services District has investigated different methods to maintain a high level of quality for emergency and non-emergency service capability throughout times of constantly increasing service demands; and

WHEREAS, the Town Board of the Town of LaFayette desires to implement a fair and equitable procedure by which to collect said mitigation rates from the property owner, rather than by increasing property taxes;

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of LaFayette does hereby ordain as follows:

SECTION 1.0 CREATING CODE

The Town Board of the Town of LaFayette hereby creates this Ordinance to read as follows:

- (1) **Mitigation Rates.** There shall be a charge for the delivery of emergency and non-emergency services by the East Troy Emergency Services District for personnel, supplies and equipment to the scene for the following incidents:
 - (a) Fuel leaks of improperly maintained vehicles;
 - (b) Hazardous materials spills and leaks;
 - (c) Unattended fires and uncontrolled open burning;
 - (d) Specialized rescue -- confined space, high or low angle, etc.
 - (e) False alarms (3rd or more within one year period);
 - (f) Motor vehicle accidents.

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. The East Troy Emergency Services District shall be authorized to bill and collect such costs on behalf of the Town of LaFayette in accordance with the East Troy Emergency Service Mitigation Rate Schedule.

- (2) **Payment.** A claim shall be filed to the responsible party through their insurance carrier. In some circumstances, the responsible party will be billed directly.

The Town has determined that the public health, safety and welfare will be promoted by adopting ordinances allowing for the charge of mitigation rates for emergency and non-emergency services by the East Troy Emergency Services District.

SECTION 2.0 EFFECTIVE DATE

This ordinance is enacted pursuant to the authority set forth in §§ 60.55, 66.555, 60.557 and 66.0627, WI State Statutes and has the authority to charge the property owners for fire protection and emergency response services.

This ordinance shall be in full force and effect from and after its passage and publication.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8th day of August 2012.

TOWN OF LAFAYETTE

Daniel D Cooper, Chair

CLERK'S CERTIFICATE OF ENACTMENT

I, Barbara A. Fischer, hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of LaFayette and approved by the Town Chair on the date indicated above.

Barbara A. Fischer, Clerk-Treasurer
August 8, 2012