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ORDINANCE NO. 011

AN ORDINANCE TO REPEAL AND RECREATE SECTION 5.145
OF THE CODE OF ORDINANCES OF THE TOWN OF SOMERS
RELATING TO FIRE DEPARTMENT FEES

The Town Board of Supervisors of the Town of Somers, Kenosha County,
Wisconsin, hereby repeals and recreates Section 5.145 of the Code of Ordinances of the Town of
Somers relating to fire department fees to read as follows:

5.145 FIRE DEPARTMENT FEES ESTABLISHED.

(A) **Intent.** Section 60.55, Wis. Stats., authorizes the Town Board to provide for fire protection for the Town and delineates the manner in which such services may be funded. The cost of fire services has increased to a point where the Town Board now finds that the cost of such services should at least be partially borne by those who utilize such services.

(B) **Charges for Emergency Fire Services.** When emergency fire services are mandated and/or utilized in connection with a motor vehicle accident or incident shall pay for fire services, including equipment and manpower required to discharge such service, according to the schedule of fees hereinafter set forth in subsection (D). Fees may be charged to the owner of the vehicle, to the operator(s), or jointly or severally as the circumstances may dictate.

(C) **Intentional Conduct.** Various ordinances of the Town of Somers including, but not limited to, Section 5.06, Section 5.11, Section 5.12 and Section 5.13 of the Code of Ordinances, requires the calculation and/or imposition of costs associated with fire services. In accordance with the provisions of such ordinances, in those cases where specific wrongdoing has caused the Town to expend funds unnecessarily for fire services, it is the intention of the Town Board to recoup such funds from the wrongdoer as may be authorized by Town ordinance or state statute.

(D) **Schedule of fees.**

(1) **Equipment.**

- | | | |
|-----|--------------|---------------------------------------|
| (a) | Aerial Truck | \$300.00 per hour or fraction thereof |
| (b) | Pumper Truck | \$250.00 per hour or fraction thereof |
| (c) | Tanker Truck | \$200.00 per hour or fraction thereof |
| (d) | Grass Rig | \$150.00 per hour or fraction thereof |

(e) Utility Truck \$100.00 per hour or fraction thereof

(2) **Miscellaneous costs.** The foregoing fee schedule does not include the costs of manpower utilized to man the incident, which costs shall be at the then-prevailing rates paid by the Town to the Fire Department personnel either directly or indirectly involved in the incident.

(3) **Incurrence of Extraordinary Costs.** From time to time because of the unusual nature of a particular incident, specialized equipment or independent contractors are required to be utilized by the Fire Department. In such instances, and regardless of whether there is intentional wrong doing associated with the incident which causes the incurrence of the extraordinary expenses, the property owner and/or such other person or persons as can be readily identified shall be responsible for reimbursement to the Town for all expenses incurred by the Fire Department in utilizing such extraordinary services or equipment and such expenses may be imposed upon the real property in the form of a special assessment

Dated at Somers, Wisconsin, this 27 day of April, 2010.

TOWN OF SOMERS

By: James M Smith
James Smith, Chairperson

Attest: Tim Kitzman
Tim Kitzman, Clerk/Treasurer