

POWERS OF THE FIRE CHIEF AND RECOVERY OF COSTS ASSOCIATED WITH FIREFIGHTING

Section I. Title/Purpose. This Ordinance is entitled "Powers of the Fire Chief and Recovery of Costs Associated with Firefighting." The purpose of this ordinance is as follows:

To promote the safety, health and general welfare by defining the powers of the fire chief and providing for the recovery of costs associated with firefighting.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

- A. The Chief of the Fire Department or their designee shall have full power as a police officer and during the progress of any fire. Whenever in their judgment it becomes necessary to control the fire, they shall have power to order any fence, or structure torn down and removed. The Chief or their designee shall also have the power to tear down any portion of any building that may be standing after a fire, which in their judgment may be dangerous to persons or property, or which has been damaged by the fire to the extent of more than fifty percent (50%) of its value.
- B. The Chief of the Fire Department or their designee has the power to call in special equipment and/or services whenever in their judgment it becomes necessary to do so, to extinguish, to confine a fire, or to clean up after a fire.
- C. Whenever special equipment and/or services are used to extinguish or confine a fire, or to clean up after a fire, the owner of the premises where such equipment and/or services are used shall be liable to the Town for the actual cost of labor and materials associated with the use of any such specialized equipment and/or services.
- D. Any person, firm, organization, or other entity shall be liable to the Town for the cost of labor and materials for responding to every second and subsequent false fire alarm at the person's, firm's or organization's premises during any given calendar year. The Town Board shall establish the current cost of responding to calls under this section.

E. Any person, firm, organization, or other entity to whom a fire, accident or 1st responder call was provided shall be liable to the Town for the cost of labor and materials for responding to every vehicle fire, accident or 1st responder call on the highway. Highway is defined as any Federal, State, County, or Town roadway. The Town Board shall establish the current cost of responding to calls under this section. A charge shall be levied upon the department being dispatched, regardless if services are rendered.

F. Any person, firm, organization or other entity liable to the Town of Shelby for actual cost of labor and materials pursuant to Section II.C and Section II.D shall make payment within thirty (30) days of receipt of an invoice. Upon the failure of the person, firm, organization or other entity to make payment in full, the Town clerk shall levy and collect a special assessment upon the benefited property.

Section III. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VI. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: 1-9-2012

Timothy L. Candahl *Chairman*
Timothy L. Candahl, Town Chair

L.D. Ehler
Timothy D. Ehler, Town Supervisor

Joyce R. Wichelt
Joyce R. Wichelt, Town Supervisor

ATTEST:

Catherine Onsager
Catherine Onsager, Town Clerk