

**TOWN OF BUFFALO
Marquette County
State of Wisconsin**

ORDINANCE

CHAPTER 5

EMERGENCY SERVICE PROTECTION CHARGES

August 2005

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SECTION 1 – TITLE/PURPOSE

This ordinance is entitled the Town of Buffalo Emergency Service Protection Charges Ordinance. The purpose of this Ordinance is to establish a per run fee to recover the costs of emergency service of the Montello Joint Fire Protection District made to property or Town roads within the Town of Buffalo pursuant to Sec. 60.55 Stats. and Sec. 66.0703 Stats.

SECTION 2 – AUTHORITY

The town board of the Town of Buffalo has been granted village powers pursuant to Sec 60.10 Wisconsin Statutes. Wisconsin Act 532 authorizes towns to charge a portion or all of the costs of fire protection. Pursuant to Section 60.55, 60.555 and 60.557 of Wisconsin Stats., the Town of Buffalo, Marquette County, hereby establishes the following policy and procedure for the payment of emergency service costs incurred by the Town of Buffalo.

SECTION 3 – ADOPTION OF ORDINANCE

The town board of the Town of Buffalo, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to impose a charge for each emergency service call made to property within the Town of Buffalo.

SECTION 4 – DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

SECTION 5 – LIABILITY FOR EMERGENCY SERVICE PROTECTION COSTS

5.A. The Town of Buffalo hereby imposes a charge for each emergency service call made within the Town of Buffalo. Such fee shall not exceed the actual cost to, the Town for the particular fire call. The charges to be imposed under this Ordinance shall, in each case, be imposed on all of the owners of the real estate to which the particular fire call is made, except in those limited circumstances provided for in paragraph number (5.B.) of this Ordinance.

5.B. Emergency service call to Vehicles Located on Town: In the event that a emergency service call is not made to real estate located within the town but instead is made to a vehicle located on a Town Road within the Town of Buffalo, then, in that case, such charges provided for under this Ordinance shall be imposed on all owners of such vehicle that is the subject of the emergency service call. Such fee shall be paid in full no later than 60 days after the date of the particular emergency service call.

SECTION 6 – LIABILITY FOR EMERGENCY SERVICE PROTECTION COSTS FROM FIRE DEPARTMENTS OTHER THAN AUTORIZED FIRE DEPARTMENTS

It is the policy of the Town of Buffalo to contract with the Montello Joint Fire District. Any property owner requesting emergency service protection directly from any fire department other than the Montello Joint Fire District shall be responsible for the full costs billed to the Town from that fire department. This section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.

SECTION 7 – BILLING AND PAYMENT PROCEDURE

7.A. In each case, the emergency service call charges provided for in this Ordinance shall be shall be billed by the Town Clerk and paid in full to the Clerk of the Town of Buffalo no later than 60 days after the date of the particular emergency service call. If not paid within that period, then such fee shall be deemed to be delinquent.

7.B. If full payment of a emergency service call fee is not made within the 60 day period, such delinquent fee shall become a lien on such real estate to which the emergency service call is made as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property under Sec. 66.0703 Stats. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such delinquent emergency service call charge.

7.C. Other Remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution, collection and reasonable attorneys' fees.

SECTION 8 – PENALTIES

8.A Any property owner in the Town of Buffalo who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the cost of prosecution including reasonable attorneys' fees and, in default of payment of such forfeiture and cost of prosecution including reasonable attorneys' fees shall be added to the property tax, with an interest rate, with interest, at the current interest rate charged for delinquent property taxes.

8.B Non-resident, non property owners of the Town of Buffalo who shall violate any provision of this Ordinance shall be issued a Town of Buffalo citation and subject to the provisions of the Chapter 8 of Town of Buffalo Code of Ordinances – Citation Ordinance.

SECTION 9 – SEVERABILITY

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 10 – EFFECTIVE DATE

This Ordinance replaces the Town's previous Ordinance, which sets charges for fire calls, and is effective on publication. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 11th day of July 2005.

Effective Date: August 8, 2005

Gene R. Mucciolo, Chair

Jan Banicki, Supervisor

Fred Wollenberg, Supervisor

Attest: _____
Donna Seddon, Town Clerk