

TOWN OF SMITHFIELD
CHAPTER 37-11
FIRE RECOVERY ORDINANCE

SECTION 1: The Town of Smithfield Fire and Rescue Services shall initiate user fees for the delivery of Fire and Rescue Services, personnel, supplies and equipment to the scene of motor vehicle accidents and other emergency incidents as listed in "EXHIBIT A". The rate of user fees 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 and with baselines established by the Smithfield Town Manager.

SECTION 2: The user fee shall be filed to the responsible party, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. In the event services are required relating to utilities causing safety problems to highway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to said utility, whose equipment related problems cause for an emergency services response. The claim costs shall be filed to the insurance coverage of the owner of a vehicle, owner of property, or responsible parties.

SECTION 3: The Town of Smithfield Town Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.

SECTION 4: This Ordinance shall take effect upon passage and implemented at the earliest time permitted by law.

SECTION 5: These user fees for Motor Vehicle Accidents or any other billable service covered by this resolution will apply to all persons whether residing or not residing within the Town of Smithfield. The payment for such service is expected to be made by a third party insurance carrier. At no time will the Town of Smithfield charge any individual personal party for services rendered. If a third party insurance carrier does not pay for a claim, the claim will be written-off as a hardship case. The only exception to this section will be a court ordered ruling that holds an individual party personally responsible and therefore is made personally responsible for any costs associated with emergency response fees.

EXHIBIT A

The Town of Smithfield Fire and Rescue Services shall initiate user fees for the delivery of Fire and Rescue Services, personnel, supplies and equipment to the scene of motor vehicle accidents and other emergency incidents as listed in this Exhibit.

1. Motor Vehicle Accidents
2. Automobile Fires
3. Large Motor Vehicle Fires (e.g.: Tractor-Trailer)
4. Hazardous Materials Incidents
5. Pipeline Breakage/Repairs (Includes but not limited to: Gas, Sewer, and Water)
6. Special/Heavy Rescue Response to Industry
7. Environmental Cleanup (streets, waterways, etc.)
8. Helicopter Landing Zone
9. Terrorist Incident Response – responsible party
10. Aircraft Accident