

It is agreed by and between the **CITY OF OSSEO**, Trempealeau County, Wisconsin, and the **TOWN OF SUMNER**, Trempealeau County, Wisconsin, and the **TOWN OF GARFIELD**, Jackson County, Wisconsin, and the **TOWN OF OTTER CREEK**, EauClaire County, Wisconsin, each (**Members**) in a joint fire district pursuant to Wis. Stats. 60.55(1)(a)(2)

named,

OSSEO RURAL FIRE DISTRICT (the **District**)

50965 Industrial Road, Osseo, Wisconsin 54758

AND,

WHEREAS, Statutory home rule under Wis. Stats. 61.34(1) and 62.11(5) allow its powers into all necessary means of special assessments, and nothing prohibits the **District** from charging fees for services or the **City of Osseo** from being a party to this Ordinance under Wis. Stat. 66.0627(1) and (2) and/or the statutes 61.34(1) or 62.11(5), both rational and practice is that both the **City of Osseo, Wisconsin**, and all **District Member Towns use the fees** recouped from users, to help offset the **costs** for delivery of "services, supervision and/or regulation" of the **Osseo Rural Fire District** that would otherwise require a higher tax to their citizens; and,

WHEREAS, generally, over 75 percent of our billed fire calls are outside of the City of Osseo, Wisconsin, and frequently over 40 to 50 percent of all calls are servicing nonresidents of our Districts Membership, making it much more reasonable to charge a fee to all users of our emergency services, than to burden all of our residents for services rendered to a disproportionately large percent of non-residents and non-taxpayers; and,

WHEREAS, all fees charged by **Osseo Rural Fire District** are used to pay expenses and all costs incurred by the **District** servicing those users we charge fees; and,

WHEREAS, in August 1950, the current members first entered an Agreement of Organization, and,

WHEREAS, in 1983 Wisconsin Act 532 authorized municipalities to charge fees to recoup all reasonable costs; and,

¹ An operating expense is **any expense incurred as part of normal business operations**. Depreciation represents the periodic, scheduled conversion of a fixed asset into an expense as the asset is used during normal business operations. Since the asset is part of normal business operations, depreciation is considered an operating expense. In Fire Service there are two sources Osseo Rural Fire used to come up with our hourly rates: 1) FEMA Emergency Assistance Act, 42 U.S.C. § 5121, and, 2), and NFPA fire and life safety 1851 and 1962, Standard on Selection, Care and Maintenance of Protective Ensembles which suggests a ten-year service life, and, breathing air systems used in HAZMAT 42 CFR Part 84 and NFPA.

WHEREAS, on March 3, 1987, the original agreement was amended, changing from being called a fire department to formally adopting the name **Osseo Rural Fire District** pursuant to Wis. Stat. 60.55(2), allowing for the practice of charging fees for services, and Osseo Rural Fire District obtained an EIN 39-1620751 held under Municipality umbrella of City of Osseo Wisconsin and was given Wisconsin Fire Department ID 61020: and,

WHEREAS, in 2006 and 2007, each Member of the District passed ordinances following Wisconsin Act 532 and Wis. Stats. 60.55(1)(a)(2): and

WHEREAS, on January 2, 2015, the State of Wisconsin Department of Justice by **J.B. Van Hollen**, Attorney General (*please consult The Attorney Generals complete text if you have questions.*) opines to Jacob C Brunette and concludes that special charges (the fees) may be charged for fire protection special services, and that "a special charge is a fee, not a tax", and that fees that recoup costs for "services, supervision or regulation" are authorized under Wis. Stat. § 60.55(2)(b): and,

WHEREAS, on April 26, 2017, an Agreement of Organization was entered into by all **Members** of the **Osseo Rural Fire District** that repealed and replaced all prior agreements: and,

WHEREAS, Upon Approval by the individual Parties to the **April 26, 2017, Agreement of Organization**, and, the **Board of Osseo Rural Fire District**, the "User Fees" shall be amended and replaced by the following Ordinance: and,

WHEREAS, the governing bodies in the City of Osseo, Town of Sumner, Town of Garfield, Town of Otter Creek, and the Board of the Osseo Rural Fire District desires to implement a fair and equitable procedure by which to collect said fees and shall establish an ordinance in accordance with applicable laws, regulations, and guidelines; and,

NOW, THEREFORE, it is mutually agreed by each of the Members that they adopt an ordinance pursuant to Wis. Stats. 60.55(2)(a) and (b), and, Wis. Stats. 60.555 this Ordinance includes provision for the inspection of commercial properties to detect and suppress a potential fire and other related hazards, and, further, Wis. Stat. 61.34(1) and 62.11(5), and Wis. Stats. 60.55(2)(a) and (b), and 60.557(1) and (2), 60.555, and 60.557 reimbursements for fire services and emergency services costs, supervision, or regulation costs, including those services provided on roads and highways, wetlands or woodlands and the Ordinance is hereinafter named: **"FEES FOR FIRE PROTECTION, AND, FIRE DEPARTMENT EMERGENCY SERVICES, AND INSPECTION ORDINANCE."**

FEES FOR FIRE PROTECTION, AND, FIRE DEPARTMENT EMERGENCY SERVICES, AND INSPECTION ORDINANCE.

AUTHORITY. Pursuant to the authority set forth in the Wisconsin State Statutes and under DNR Stat. 26.14 Protection of Forest Lands and Forest Productivity, the Members of the Osseo Rural Fire District hereby establish the following Ordinance, policy, and procedure for the recoupment of fire protection and fire department emergency services.

LIABILITY FOR SERVICE COSTS.

The Owners of real estate, the owners/operators of vehicles involved in accidents, the owners of personal property located permanently or temporarily within the **Osseo Rural Fire District**, and individuals within the **District** for which or to whom fire protection services and/or other fire department emergency services are provided by the **Osseo Rural Fire District**: shall be liable to the **District** for the costs of the fire protection service, and/or other fire department emergency services, including emergency responses and services to accidents and/or other incidents we may be called upon to service. The current schedule for such costs is as hereinafter set forth. Bills for service should be provided to the party's insurance company by the party billed and/or the District. Any changes in the costs hereafter imposed by **Osseo Rural Fire District** shall be deemed incorporated by reference as of the effective date of such adjustment to the Current Cost Schedule below.

CURRENT COST SCHEDULE. (As of April 20, 2023)

In all cases within our District, when our response is for a vehicle incident, these fees are based upon a per-vehicle rate, meaning the rate can be charged for each vehicle involved in an incident. Minimum charge 1 hour per vehicle. Unpaid invoices will be charged interest and if left unpaid, may either be collected through state reciprocity, State DOT, Federal DOT, or by Lien or other collection processes.

- i. Fire / Structure Fire **\$750.00/Hr.**
 - a. Response for fire with no fire found 1st time only **\$250.00/Hr.**
- ii. Structure Fire with HAZMAT **\$1,000/Hr.**
- iii. CO2 Call, 1st Time **\$100/Hr.**, 2nd Time in 1 year **\$ 250/Hr.**
- iv. Gas Leak Call, Residence **\$200/Hr.**, Commercial **\$500/Hr.**
- v. Accident (1050) w/o extraction **\$750/Hr.**
Note: Large-scale Incidents will be billed individually at this same per-hour rate.
- vi. Accident (1050) with Jaws extraction **\$1,000/Hr.**
Note: Large-scale Incidents will be billed individually at this same rate per hour rate.
- vii. Accident (1050) with HAZMAT or Spill **\$1,000/Hr.**
Note: Large-scale Incidents will be billed individually at this same rate per hour rate.
- viii. Truck Accident with overturning or cargo discharge **\$1,000/Hr.**
 - a. (Truck Accident or other Incident with HAZMAT or Extraction) **\$1,500/Hr.**
 - b. Specialty remediator charges from others, are the responsibility of the party(s) causing HAZMAT release or deemed responsible.
- ix. Grass or Woodland Fire* **\$500/Hr.**, DNR Billables if applicable (*Per Wisconsin Statute 26.14*)

Billing for foam will be **\$125.00/pail**, and for Floor Dry **\$60/pail**. Other consumables or equipment destroyed shall be replaced based on the current market price.

Note 1. The Fire District does not bill for canceled in-route calls.

Note 2. Charges begin when the call is received by the fire department and continue until the equipment dispatched is back in service at the fire station. The minimum charge is 1 hour.

Note 3. Osseo Rural Fire District reserves the right to change its schedule of the amounts billed in the preceding schedule of charges and may be amended solely by the **Osseo Rural Fire District Board**, either by Ordinance or by resolution of the District Board vote to incorporate such changes.

BILLING AND PAYMENT PROCEDURE.

The costs of fire protection services and other fire department emergency services as set forth above shall be billed by Osseo Rural Fire District as follows:

(1) Services furnished to real properties.

a. The costs of fire department services furnished to real estate or improvements to real estate shall be billed to the owner of the property to which the services were provided at the address shown for the such owner in the records. In the case of a non-owner being the responsible party for either a real property loss, wildland fire loss, or other loss that party or those parties will be billed. Such fees shall be due and payable to the Osseo Rural Fire District. Further, the bill should reflect the insurance carrier if available, or minimally, with a prompt to ask them to submit their bill to their insurance.

b. The costs of fire department services rendered to the real property remaining unpaid as of November 1 of any year shall be imposed as a special charge against the real estate to which the fire protection service was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.0627 of the Wisconsin Statutes. The mailing of the bill by the City or Town Clerk's office shall constitute notice of the special charge.

(2) Services furnished to other than real properties.

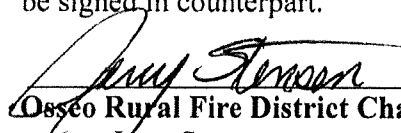
a. If services were furnished to a motor vehicle incident, such as a vehicle fire or ambulance backup at a vehicle accident, or to other movable property, to the owner(s) of the vehicle or property involved in the incident or any responsible party' may be billed. If services were furnished in any other situation, to the person to whom or for whose benefit the services were rendered that person shall be billed. Such bills shall be due and payable to Osseo Rural Fire Department Treasurer within 30 days after mailing of the bill. Further, the bill should reflect the insurance carrier if available, or minimally, with a prompt to ask them to submit the bill to their insurance.

(3) Collection of Unpaid bills.

a. Any charges billed by Osseo Rural Fire District for fire protection service, or other fire department emergency services, provided for property (real and personal or other) may be recovered by any lawful action, including a court action against the owner and/or all other responsible or liable parties including entities who provided insurance coverage for said property for the loss or damage of said property. In all such actions, the Osseo Rural Fire District at their discretion is authorized to pursue the collection of such charges. Interstate accident calls, Minnesota residents; Wisconsin, and Minnesota have a "Reciprocity Agreement", and unpaid invoices will be turned over for collection by your DOR.

SEVERABILITY OF PROVISIONS. The provisions of this Ordinance are hereby declared to be severable. Should any section or provision of this Ordinance or any application thereof be adjudged invalid, such a decision shall not affect the remaining portions of this Ordinance.

The forgoing Ordinance was approved at the April 09, 2019, Annual Meeting of the Osseo Rural Fire District, and updated on April 20, 2023, with new Chairmen and new Members elected. This includes hourly rates to be charged. The District Board by its Chairman requests the approval and adoption of the above Ordinance by each of the following Governmental Units. This document may be signed in counterpart.

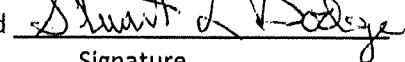

Osseo Rural Fire District Chairman
 Jerry Stenson

4/20/2023
 Date

City of Osseo, Wisconsin 54758, Trempealeau County

VOTE ON PASSAGE 4/20/2023 ☒ Yea ☐ Nay ☐ Abstain

Date: 4/20/23

Approved 
 Signature

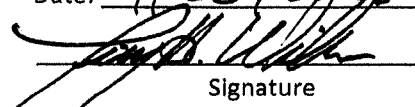

 Signature

Town of Sumner, Wisconsin 54758, Trempealeau County

VOTE ON PASSAGE ☒ Yea ☐ Nay ☐ Abstain

Date: 4/20/2023

Approved 
 Signature

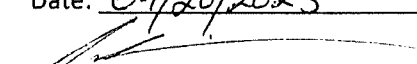

 Signature

Town of Garfield, Wisconsin 54758, Jackson County

VOTE ON PASSAGE ☒ Yea ☐ Nay ☐ Abstain

Date: 04/20/2023

Approved 
 Signature

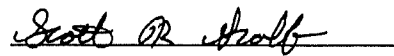

 Signature

Town of Otter Creek, Wisconsin 54758, Eau Claire County

VOTE ON PASSAGE ☒ Yea ☐ Nay ☐ Abstain

Date: 4-20-2023

Approved 
 Signature


 Signature

Passed by the Osseo Common Council at it's regular scheduled council meeting on May 8th, 2023.