

## Ordinance No. 122-2024

### AN ORDINANCE OF OAK GROVE ARKANSAS RECOGNIZING THE AUTHORITY OF FIRE DEPARTMENTS TO SEEK REIMBURSEMENT FOR FIRE, SAFETY & RESCUE RESPONSES AND HAZARDOUS MATERIAL & ENVIRONMENTAL INCIDENTS.

IT IS HEREBY ORDAINED AND ENACTED BY THE TOWN OF OAK GROVE ARKANSAS AS FOLLOWS:

#### ARTICLE I. TITLE.

This Ordinance shall be known as the OAK GROVE FIRE DEPT. Emergency Service Cost Reimbursement Ordinance.

#### ARTICLE II. AUTHORITY, FINDINGS, AND PURPOSE.

- A. Authority — Under OAK GROVE RESOLUTION# 66-2005, the OAK GROVE TOWN COUNCIL has the authority to make rules and regulations the government of public safety and/or fire departments located within OAK GROVE, AR, for responses both within and outside of OAK GROVE, AR.
- B. Findings — It is recognized that the duties of fire departments require specialized fire/safety/emergency/rescue/environmental/ hazardous material tools, equipment, materials, supplies and specialized training in order to provide for the safety of the public served. Such requirements, as well as the response to emergency situations involving, and/or caused by, non-resident individuals, places a tremendous financial burden on said fire departments. While taxes, if applicable, may provide the fire departments sufficient financial assistance to exist in an effort to avoid ever-increasing tax burdens of the residents of OAK GROVE, AR it is found that the alternative source of funding, Emergency Service Cost Reimbursement (i.e. response billing) should be authorized.
- C. Purpose — To grant any fire company operating in OAK GROVE, AR (hereinafter "Fire Departments") the authority to seek reimbursement for the reasonable cost of responding to such incidents, as well as the reasonable costs to recoup such costs.

#### ARTICLE III. RECOVERY OF COSTS.

- A. For any response including, but not limited to, Fire Departments are authorized to recover the reasonable costs of the use of emergency fire and/or rescue (including, but not limited to, vehicle accidents) personnel hours, tools, equipment, materials, direct and indirect costs, rentals, replacement of damaged items, decontamination, mileage and vehicles; hazardous material and/or environmental response personnel hours, tools, equipment, materials, direct and indirect costs, rentals, replacement of damaged items, decontamination, mileage, and vehicles; and reasonable interest on any amount due from the date of the response forward; and any such other costs that may occur. Additionally, Fire Departments are authorized to collect a reasonable flat rate fee for any false alarm responses or fire drill responses for which the Fire Department did not receive at least forty-eight (48) hours prior notice,
  - I. Nothing in this Ordinance shall be interpreted as limiting any amounts Fire Departments are authorized to collect under any applicable State statute or law.
- B. The reasonable costs authorized to be billed for under this Ordinance may be recovered directly by the Fire Department or through a third-party billing service as an authorized agent for the collection of such costs.

- C. Parties and/or any applicable Insurance company/carrier responsible for any incident which results in actions taken by the Fire Department shall be liable for the costs allowed under this Ordinance.
- D. The reimbursement rates for the aforementioned costs shall be set by the billing entity or the legislative body may by resolution or publication, from time to time, establish, revise, amend or rescind a schedule of fees that may be charged by the Fire Department.
- E. If a third-party billing service is utilized, said third-party billing service shall be authorized to charge an administrative fee in addition to the costs it is recovering for the Fire Department. Said administrative fee will be set by the third-party billing service.
- F. Payment under this Ordinance, if billed by the Fire Department directly, shall be remitted directly to the Fire Department by any party enumerated in paragraph C, above. If a third-party billing service is utilized, payment under this Ordinance shall be remitted directly to the third-party billing service, who shall then remit funds to the Fire Department pursuant to their contract with the Fire Department. All funds recovered under this Ordinance shall be exclusively used for the support of the Fire Department.
- G. In the event that collection costs and/or attorney's fees are incurred by the Fire Department or third-party billing service as a result of the efforts required to obtain full reimbursement for the costs billed for under this Ordinance, said collection costs and/or attorney's fees may be recovered by the Fire Department or third-party billing service from any party enumerated in paragraph C, above.
- H. The Fire Department and/or the governing body reserves the right and authority to promulgate policy with respect to the manner and methods by which this Ordinance is enforced,

**ARTICLE IV. REPEALER & SEVERABILITY.**

- A. All ordinances, parts of ordinances, and amendments thereof which are inconsistent with this Ordinance are hereby repealed.
- B. If any section, paragraph, sub-section, clause, or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**ARTICLE V. EFFECTIVE DATE.**

- A. This ordinance is retroactive to include all billed invoices which remain unpaid at the time this ordinance is enacted.

ENACTED AND ORDAINED this 2nd day of January, 2024.

Authorized by   
Mayor, Robert Fairweather

Attested by   
Recorder, Stephanie Shepherd

Attested by   
Fire Chief, Mike McKelvey