

ORDINANCE NO. 68-2019**AN ORDINANCE TO ESTABLISH FIRE DEPARTMENT FEES AND PROCEDURES FOR ADMINISTRATION OF FIRE DEPARTMENT FEES**

WHEREAS, in approximately February 2017, the Village of Summit, City of Oconomowoc, Town of Ottawa and Village of Dousman entered an Intermunicipal Agreement to create the Western Lakes Fire District; and

WHEREAS, Article V, Section M of the Intermunicipal Agreement states that the Fire Chief under the direction of the Fire Board shall have authority to bill end users for all costs of fire and rescue services, fire inspections and emergency medical services, and any other services performed by the Fire District and shall be responsible for collecting the same; and

WHEREAS, towns, cities and villages have certain powers to collect fees for services pursuant to Wisconsin Statutes Section 66.0627, and the services provided by the Fire District are ultimately services provided by the municipalities pursuant to the Intermunicipal Agreement, and therefore are properly subject to the special charge procedures of Wisconsin Statutes Section 66.0627; and

WHEREAS, in order to implement the municipal powers of collection of special charges, it is important for the municipalities to establish the fees that will be charged, which in this case is intended to incorporate the fees established by the Fire Board.

NOW, THEREFORE, to implement the collection procedures contemplated by the Intermunicipal Agreement, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 2 of the Village of Summit Village Code entitled "Administration," Article VII entitled, "Boards and Commissions," Division 2 entitled, "Joint Board of Fire Commissioners," Section 2-175 entitled, "Fire Department Fees" is hereby created as follows:

2-175 Fire Department Fees

- A. *Establishment of Fire Department Fees.* The Village Board shall establish Fire Department fees, from time to time, by resolution, upon careful consideration of the fees recommended by the Fire District Board, to compensate the Western Lakes Fire District for fire inspection, plan review, field inspection work, and other Fire Department services. Such fees shall not exceed the limits established by Wisconsin Statutes Section 66.0628 and other applicable laws. Fees are subject to change. No fees shall be charged to the owner-member municipalities of the Western Lakes Fire District, for work conducted in relation to their municipal property.
- B. *Administration of Fire Department Fees.* Fire inspection fees shall be invoiced to property owners, as a special charge, as soon as practicable following the Fire Department service, and payment shall be due within 30 days. The Western Lakes Fire District shall invoice property owners and collect fees pursuant to this Section, as agent of the municipality. All invoices shall specify that this is a fee

imposed by the municipality and collected pursuant to this ordinance and shall give notice of appeal rights. If a special charge is not paid within the time required by the invoice, the special charge is delinquent, and the Western Lakes Fire District shall notify the municipal clerk no later than October 1 of all delinquencies existing on that date. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. The municipal clerk shall include the delinquent special charge in the current or next tax roll for collection and settlement under ch. 74, Wisconsin Statutes, per Section 66.0627, Wisconsin Statutes. The Western Lakes Fire District shall retain all fees collected as compensation from the municipality for their services provided, except in the case of delinquency. When a special charge is delinquent and is recovered by the municipality through tax collection and settlement procedures, the municipality shall retain \$15 to compensate for administrative costs and shall pay the Western Lakes Fire District the remaining amount collected.

- C. *Appeal.* Special charges imposed pursuant to this Section may be appealed within 30 days of the original invoice, pursuant to Chapter 14, Article II of this Code.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 26 day of June, 2019.

VILLAGE OF SUMMIT



Jack R. ... Village President

ATTEST:



Debra Michael, Administrator/Clerk/Treasurer



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