

ORDINANCE NO. 06-24

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF ROXBURY, TO ESTABLISH CHAPTER 15,
ENTITLED “EMERGENCY SERVICES COST RECOVERY”**

BE IT ORDAINED, by the Township Council of the Township of Roxbury, in the County of Morris and State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Township of Roxbury are hereby amended by adding a Chapter 15, entitled “Emergency Services Cost Recovery” to read as follows:

Chapter 15 EMERGENCY SERVICES COST RECOVERY

§ 15-1 Purpose.

The purpose of this article is to provide authority, procedures and requirements to seek collection and reimbursement for the reasonable costs of responding to such incidents by the Fire Department for fire service calls, hazardous material incidents, environmental incidents, and safety and rescue incidents, and those that use hazardous material abatement equipment and materials are also eligible for reimbursement.

§ 15-2 Definitions.

COSTS

Those costs related to the equipment and material used by the Fire Department in response to any incident and as identified and incorporated on the Cost Schedule appended hereto.

EQUIPMENT AND MATERIAL

Those apparatus, equipment, consumable materials as identified and incorporated on the Cost Schedule appended hereto.

FIRE DEPARTMENT

The Roxbury Township Fire Department, inclusive of Roxbury Chemical Engine Company No. 1, Roxbury Chemical Engine Company No. 2 and Roxbury Chemical Engine Company No. 3.

HAZARDOUS SUBSTANCES AND MATERIALS

Liquid, solid, and gaseous chemicals, radioactive or ionizing materials, compounds, and elements, which are identified as hazardous by the New Jersey Department of Environmental Protection and/or as identified by the N.F.P.A. Guide for Hazardous Materials and/or identified by the Environmental Protection Agency as toxic pollutants and shall further include petroleum products of any kind or nature.

INCIDENT

All emergencies requiring Fire Department response, including, but not limited to: motor vehicle accidents, structure fires, electrical and wire fires, alarm responses (excluding unfounded residential smoke, water, fire, and carbon monoxide alarms and smoke conditions), rescues of any nature, and hazardous materials responses.

PERSON

A natural person or persons, partnership, corporation, association, firm or other legal entity.

RESPONSIBLE PARTY

The person having received the benefit of a Fire Department response to an incident.

§ 15-3 Authorization to recover costs for equipment and material.

The Fire Department and/or Township of Roxbury, and/or a contracted third-party cost recovery service, is authorized to recover the costs incurred for equipment and materials used related to any incident from any responsible party.

§ 15-4 Policy for billing.

- A. No person requiring emergency services shall be denied services due to lack of insurance or ability to pay.
- B. Any applicable charges for costs shall be billed directly to the responsible party of such services or the responsible party's insurance company.
- C. The Township of Roxbury may, either directly or through any third-party cost recovery service which it has contracted for billing and/or collections for Fire Department cost recovery, make arrangements with responsible parties for installment payments of invoiced costs.
- D. Any authorized third-party agency engaged for cost recovery shall provide a financial reporting to the Township of Roxbury Chief Financial Officer on a semiannual basis, which shall include the opening balance of funds on hands, amount of billings issued, amount of collections in satisfaction of billings issued, a detailed listing of any amounts disbursed, including the vendor and purpose of disbursement, and the ending balance of funds on hand.

§ 15-5 Procedure for cost recovery billing.

- A. The Township of Roxbury may enter into a contract with a third-party cost recovery service for the recovery of costs relating to Fire Department incident response, provided that the following standards for third-party billing are met:
 - (1) The third-party cost recovery service is to be provided at a rate not to exceed 22% of fees collected or at an amount consistent with the fair market value for the services rendered.

- (2) The cost recovery agency is bonded and/or insured in amounts satisfactory to the Township of Roxbury.
 - (3) The Township of Roxbury shall solicit competitive proposals for the provision of third-party cost recovery services as provided by the Local Public Contracts Law.
- B. The Township of Roxbury may, at its discretion, recover additional costs for equipment and material in the case of any major, extraordinary or unique incidents, including, but not limited to, hazardous material incidents, mass casualty incidents, and fire emergency and rescue incidents that destroy or severely damage emergency services equipment.
- C. Costs chargeable to responsible parties shall be invoiced as follows:
 - (1) The Fire Department shall record and account for equipment and materials used in response to any incident and such record shall be transmitted to the Township of Roxbury and/or its authorized third-party cost recovery service.
 - (2) The costs for equipment and material used in response to an incident, shall be billed directly to the responsible party or the responsible party's insurance company. If the insurance company is not known, the user of services shall be billed directly, with instructions to forward the bill to his/her insurance provider.
 - (3) The costs for equipment and material billed shall be in accordance with the Cost Schedule.
 - (4) The Township of Roxbury may implement rules and/or regulations and/or revoke or amend existing rules and/or regulations as may be deemed necessary for the billing and/or collection and use of user fees pursuant to this article.
- D. Uncollectible accounts.
 - (1) Recovered costs are anticipated to be paid by the responsible party's insurance company. In the instance where the Township of Roxbury and/or a third-party cost recovery service receives notification from the insurance carrier that it will not honor an invoice, the Township of Roxbury or the third-party cost recovery service, is authorized to invoice the responsible party directly and take any legal action necessary to collect the costs, including negotiating a settlement.
 - (2) The Township of Roxbury, regardless of contracted services with a third-party cost recovery service, may in its sole and exclusive discretion, write off or cancel any uncollected cost invoice, without prejudice to the responsible party.

§ 15-6 Use of recovered costs.

Any and all amounts collected as a result of this Section shall be used exclusively for the replacement or maintenance of Fire Department equipment, materials and training as specifically authorized by the Township Council.

§ 15-7 Savings Clause.

Nothing in this Section shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Section.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All ordinances of the Township of Roxbury which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect upon final adoption and publication as required by Law.

INTRODUCED: February 13, 2024

ADOPTED: February 27, 2024

Attest:

Amy E. Rhead, RMC
Township Clerk

EFFECTIVE DATE: April 1, 2024

COST SCHEDULE

<u>Equipment & Material/Service</u>	<u>Cost</u>
Engine	\$350 per hour
Aerial/Ladder	\$400 per hour
Rescue	\$300 per hour
Squad/Utility/Support	\$150 per hour
Tanker/Tender	\$300 per hour
Command Vehicle	\$450 per hour
SCBA	\$50 each
Hose (per 50')	\$25
Gas/CO detector/heat gun	\$50 per use
Deodorizer	\$25 per use
Extinguisher (any class)	\$50 per use
Fire police services	\$100 per hour
Hand tools	\$15 each
Hydraulic rescue tools	\$200 each
Scene lighting	\$75 per hour
Oil booms	\$20 each
Oil absorbent sheets	\$5 each
Oil dry	\$35 bucket
Portable pumps	\$30 hour
Power tools	\$50 each
Road closing/traffic control	\$100 per hour
Salvage covers	\$35 each
Debris cleanup/removal	\$250
Flares	\$8 each
Ventilation fans	\$50 each
IR camera	\$100 each
Foam	\$65 per gallon

Cribbing:

- Passenger	\$100 each
- Class B	\$200 each
- Trucks - Class A	\$500 each
Stabilization struts	\$50 per use
Latex gloves	\$2 per pair
Ladders	\$35 per use
Medical extrication (w/hydraulics)	\$1,500 per patient
Generator	\$50 per hour
Hand lights	\$5 per use
Portable pond	\$150 per use
Wetting agent	\$25 per unit
Fire line tape	\$0.25 per foot
Other material and equipment	Replacement cost if destroyed