

§805.010 PURPOSE. This section shall provide procedures for recovering costs incurred by the City for City assistance in negligently caused fire emergencies.

§805.020 DEFINITIONS AS USED IN THIS CHAPTER.

- a) **Negligently caused fire emergency** means a fire or false call caused by the negligence of an owner or occupier of property and/or structures which present a direct and immediate threat to public safety or elicits fire department response and/or requires immediate action to mitigate the threat.
- b) **Expenses** means the actual labor costs of government and volunteer personnel including workers compensation, benefits, administrative costs, costs of equipment, operation, costs of materials, costs of disposal, and the costs of any contract labor and materials.

§805.030 RECOVERY AUTHORIZATION AND PROCEDURES. The City is hereby empowered to recover from any person, corporation, partnership, or other individual or entity whose negligent actions cause emergency expenses incurred by City agencies directly associated with a response to a fire emergency pursuant to the following procedure:

- a) The City shall determine responsibility for the emergency response and notify the responsible party by mail of the City's determination of responsibility and the costs to be recovered.
- b) The notice shall specify that the determined responsible party may appeal the City's decision before the City Manager and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.
- c) The City Manager shall make the final decision of assessing responsibility and costs. Amended 11/26/91

§805.040 NO ADMISSION OF LIABILITY. The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

§805.050 ACTION TO RECOVER COSTS. In the event parties determined to be responsible for the repayment of negligently caused emergency fire department response costs fail to make payment to the City within thirty (30) days of receipt of billing, the City may initiate legal action to recover from the determined responsible parties, the costs determined to be owing, including the City's reasonable attorney's fees.

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