

**TOWN OF WEST PARIS, MAINE
ACCIDENT FEE RECOVERY ORDINANCE**

WHEREAS, accidents, hazards, spills, and other disasters (Emergencies) occur from time to time within the jurisdiction of the Town of West Paris (the "TOWN");

WHEREAS, the costs such Emergencies impose upon the TOWN can be significant;

WHEREAS, such costs may hinder the financial ability of the TOWN to respond to other future emergencies; and

WHEREAS, the TOWN has an obligation to respond to all such Emergencies;

NOW THEREFORE, pursuant to the authority granted to it, be it hereby ordained by the legislative body of the Town of West Paris as follows:

1. PURPOSES:

The purpose of this ordinance is to protect the citizens of the Town of West Paris from potential expenses incurred through the provision of services to Emergencies and to recover the costs of such expenses.

2. DEFINITIONS:

As used in this Ordinance, the following terms have the following meanings:

(A) **ACTIONABLE EMERGENCY:**

All accidents, hazards, spills, disasters, crashes, and other emergencies which result in the TOWN and/or its departments expending costs to remedy, rectify, clean-up, or otherwise ameliorate, which also include:

- a. Incidents lasting longer than 4 hours.
- b. Incidents involving a commercial vehicle.
- c. Incidents exceeding \$2,000 in costs.
- d. Incidents involving the spill of hazardous materials.

(B) **RESPONSIBLE PARTY:**

The entity directly or proximately responsible for causing the Actionable Emergency, as determined by the appropriate State of Maine crash report, or by the judgement of the official who directs or manages the TOWN'S response to the Actionable Emergency.

(C) **COSTS:**

Expenses incurred by the TOWN responding to Actionable Emergencies.

3. AUTHORITY AND SCOPE:

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, Title 38, Chapter 1, subchapter 1 of the Maine Revised Statutes as Annotated and, Title 30-A, Section 3001 of the Maine Revised Statutes as Annotated.

4. FEE RECOVERY:

The Responsible Party shall pay to the Town of West Paris all Costs expended by the TOWN, and/or its departments, as a direct or indirect result of the Actionable Emergency.

5. ENFORCEMENT, VIOLATION AND PENALTIES:

- (A) The Fire Chief of the Town of West Paris, or his/her designee, shall be responsible for the following duties:
 - a. Generation of statement of costs related to this Ordinance within thirty (30) days from the date of the Actionable Emergency to the Town Manager.
- (B) The Town of West Paris Board of Selectman shall have the authority to institute legal actions when the Responsible Party fails to pay Costs within sixty (60) days from the date he/she or Commercial entity was billed by the Fire Chief.

6. EFFECTIVE DATE:

This Ordinance takes effect immediately upon adoption.

7. SEVERABILITY:

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

ADOPTED: Saturday, May 15th, 2021, by legislative body of West Paris, Oxford County, Maine

ATTEST:

Signature: 

Name: Joy M. Downing

Clerk/Deputy Clerk 