§ 209. Outside service by local fire departments, companies, ambulance districts and airport crash-fire-rescue units. 1. The fire department of any city, village or fire district, the fire companies serving territory outside of villages and fire districts in any town and the fire departments of any town which has a town fire department, an ambulance district and a county or public authority which operates an airport crash-fire-rescue unit, may answer calls for assistance outside the area regularly served and protected by such fire department or fire companies, ambulance district or crash-fire-rescue unit and may engage and participate in fire training programs in territory outside the area regularly served and protected by such fire department, fire companies, ambulance districts or crash-fire-rescue unit. While in the performance of their duties under this subdivision, the members of such departments, companies, districts or crash-fire-rescue units shall have the same immunities and privileges as if such duties were performed within the area regularly served and protected by such departments, companies, districts or crash-fire-rescue units. While responding to a call for assistance under this subdivision a city, village, fire district, ambulance district, town or county or public authority operating an airport crash-fire-rescue unit shall be liable for the negligence of firefighters of the city fire department, village fire department, fire district fire department, town fire department, ambulance district or crash-fire-rescue unit, respectively, occurring in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties within the area regularly served and protected by such departments, districts or units. The legislative body of any county, city or village, the board of fire commissioners or other governing board of any fire district, ambulance district or public authority or the town board of any town in relation to the fire companies serving territory outside of villages and fire districts or in relation to a town fire department, or ambulance district, as the case may be, by resolution may restrict such outside service and training to such extent as it shall deem advisable. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire department or fire company or ambulance district shall be notified promptly of the adoption of any such resolution and of any amendment or

repeal thereof. In a county, city, or in a village or town, such action may be taken by local law or by ordinance instead of by resolution. As used in this section, the terms "fire department", "fire companies", "ambulance service" and "crash-fire-rescue unit" shall include all companies, squads, patrols or other units of such departments, companies or units, or volunteer ambulance services organized pursuant to section one hundred twenty-two-b of this chapter, and the term "assistance" includes the services of firefighting forces, fire police squads, ambulance services, emergency rescue and first aid squads rendered in case of a fire or other emergency, including stand-by service, to aid (1) a fire department or fire company, and (2) owners or occupants of property, and other persons, whether or not such owners, occupants or persons are receiving fire or other emergency service from another fire department or fire company or ambulance service. Except as otherwise provided by law in the case of natural disaster emergencies, a call to furnish assistance may be made by any person aware of the peril involved and the need for assistance or pursuant to any legally authorized or recognized plan for the furnishing of mutual aid in cases of fire or other emergency. The call need not originate in the municipal corporation, district or area liable for the payment of financial benefits in the event of the death or injury of a firefighter or ambulance or rescue squad member engaged in rendering such assistance. The call may be relayed through one or more persons or mediums of communication. The provisions of this subdivision shall supersede the provisions of any general, special or local law to the extent that there is a conflict between the provisions of this subdivision and such law, except that if (1) any city had, prior to April fifteenth, nineteen hundred fifty, restricted in any manner the fire department of the city from engaging in service outside the city or (2) any city, village, fire district or town has heretofore restricted in any manner a fire department or fire company or ambulance service from engaging in service or training pursuant to the provisions of this subdivision, such restrictions shall continue in effect until changed pursuant to the provisions of this subdivision.

2. Any loss or damage to, or expense incurred in the operation of, fire apparatus or other equipment answering a call for assistance from

outside territory, as provided for in subdivision one of this section or otherwise, and the cost of any materials used in connection with such call, shall be a charge against and paid by the city, village, fire district, ambulance district or by the town in relation to territory in the town located in (1) a fire protection district, (2) a fire alarm district, (3) or ambulance district or (4) the territory in the town outside of any village, fire district or any such fire protection district or fire alarm district, ambulance district, which issued the call for assistance. No such claim, however, shall be allowed unless, within sixty days after such loss or damage has been sustained, or such expense has been incurred, or such materials have been used, written notice thereof be served by mail or otherwise on the comptroller or chief financial officer of the city, the village clerk of the village, the secretary of the fire district, the clerk of the ambulance district or the town clerk of the town in relation to the territory in the town located as aforesaid, from which issued the call for assistance.

3. In cities such loss, damage, expense or cost shall be a city charge and audited and paid as other city charges. In villages such loss, damage, expense or cost shall be a village charge and shall be audited and paid in the same manner as village charges, and shall be assessed upon the property liable to taxation in said village, and levied and collected in the same manner as village taxes. In fire districts or ambulance districts such loss, damage, expense or cost shall be audited and paid in the same manner as other fire district or ambulance district charges, and shall be assessed and levied upon the property liable to taxation in such district and collected in the same manner as other fire or ambulance district charges. The limitations on fire district expenditures set forth in subdivision eighteen of section one hundred seventy-six of the town law shall not be applicable to appropriations or expenditures for the purpose of paying any such loss, damage, expense or cost.

4. In towns which do not contain a city, village, fire district, fire protection district, ambulance district or fire alarm district, such loss, damage, expense or cost shall be a town charge audited and paid in the same manner as town charges. In fire protection districts, fire

alarm districts, or territory outside of cities, villages, fire districts, ambulance districts or any such fire protection or fire alarm district, such loss, damage, expense or cost shall be a town charge, audited and paid in the same manner as town charges, and shall be assessed upon the property liable to taxation in such fire protection district, fire alarm district or territory outside of cities, villages, fire districts, ambulance districts or such fire protection and fire alarm districts, as the case may be.

5. Provided, however, that nothing contained in this section shall preclude a city, village, fire district, ambulance district or town from entering into a reciprocal fire protection agreement with the state of New York and the head of any military department of the United States government, which agreement shall waive all compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of said reciprocal fire protection agreement. Provided further, however, that any reciprocal fire protection agreement entered into under the authority of this subdivision may provide for the reimbursement for any and all costs incurred by the party issuing the call for assistance.