

**Shaftsbury Fire Department  
Service Reimbursement Ordinance**

**Article I. General Provisions**

**A. Title**

All rules and regulations contained herein, together with such additions and Amendments as may be herein after adopted, are hereby designated as the "Shaftsbury Fire Department Service Reimbursement Ordinance" or "Ordinance".

**B. Authority**

This Ordinance is adopted pursuant to authority granted under 20 V.S.A.2672, 2675, 2961, and 2963; 24 V.S.A. Sections 1955 and 1971-1983. This Ordinance is designated as a Civil Ordinance under 24 V.S.A. 1971(b).

**C. Purpose**

The purpose of this ordinance is to provide for the reimbursement of cost incurred by the Town for certain activities of the Shaftsbury Fire Department as hereinafter defined.

**D. Filing of the Ordinance**

The Town Administrator of Shaftsbury shall file a certified copy of this Ordinance, as well as certified copies of any additions or amendments to this Ordinance as may be hereafter adopted, in the municipal records.

E. The Town of Shaftsbury, and all persons responsible for and involved with enforcement or application of this Ordinance shall not be liable for any damage or injury to persons or property arising out of or relating in any way to this Ordinance or enforcement or application of this Ordinance.

**Article II. Definitions**

Unless the context specifically indicate otherwise, the meaning or terms used in this Ordinance shall be as follows:

**"Emergency Incident"** shall mean those incidents that require fire and /or emergency response in an immediate fashion, following established emergency response protocols.

**"Emergency Personnel"** shall mean members of the Shaftsbury Fire Department during their involvement in an emergency and non-emergency incident.

**"Malicious Incident"** an incident which is created by an individuals' intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for something other than an actual emergency.

**"Motor Vehicle Accidents"** Shall mean incidents involving one or more motorized vehicles including cars, trucks, buses, motorcycles, ATV's, Trains snowmobiles, boats, planes and the vehicles and trailers being pulled by motorized vehicles.

**"Non-Permitted Burn"** Shall mean the intentional disposal of outside debris via burning.

**“Nuisance Incident”** repetitive incidents of a same or similar nature (three occurrences within a 12-month period) at the same location which are caused by lack of servicing to mechanical and/ or electrical equipment of an emergency system or the failure to correct a previously documented fire hazard, or false reporting of an emergency incident.

**“Primary Coverage Area”** shall mean the geographic boundaries of the Towns of Shaftsbury and Glastenbury.

**“Rescue Calls”** shall mean any incident where the Shaftsbury Fire Department is called out to assist with search and rescue of any lost, missing, or injured person(s).

**“Hazardous Material calls”** shall mean all incidents involving foreign material that causes a threat or danger to the environment or the health and safety of any person(s).

**“Power Line Problem”** shall mean any incident where the Shaftsbury Fire Department is called out to assist with emergency power line outages or protection from downed power lines.

**“Town resident”** shall mean any person who resides in the Town of Shaftsbury.

**“Town”** shall mean the Town of Shaftsbury.

### **Article III. Eligible Occurrences/Incidents**

The following types of incidents occurring within the primary coverage area of the Shaftsbury Fire Department are subject to invoicing pursuant to this ordinance.

1. Malicious Incidents
2. Motor Vehicle Accidents
3. Non-Permitted Burns
4. Permitted Burns that get out of control due to negligence
5. Rescue Calls
6. Power Line Problems
7. Nuisance Calls
8. Hazardous Material calls

### **Article IV. Enforcement**

1. All enforcement, invoicing and application of this ordinance shall be the responsibility of the Shaftsbury Selectboard, provided, however, that certain actions may be delegated to its liaison.
2. The Selectboard is authorized to conduct investigations and take other steps that are necessary and provided by law to enforce the Ordinance.

### **Article V. Invoicing**

- A. **Malicious Incidents** shall be invoiced per occurrence, with the perpetrator to be held responsible.
- B. **Motor Vehicle Accidents** within the primary coverage area of the

Shaftsbury Fire Department. Shall be invoiced per occurrence. In the event multiple vehicles are involved, responsibility for costs may be prorated as determined by the Selectboard, among the person(s), operator(s), or vehicle owner(s) involved.

- C. **Non-Permitted Burns** shall be invoiced per occurrence, to the individual(s) responsible.
- D. **Permitted Burns** that get out of control due to negligence shall be invoiced per occurrence to the individual(s) the original burn permit was issued to.
- E. **Rescue Calls** shall be invoiced per occurrence with the responsible party being the rescued person, or that person's natural or legal guardian.
- F. **Power line Problems** shall be invoiced per occurrence, to Central Vermont Public Service Corporation or other electric utility.
- G. **Nuisance Incidents** shall be invoiced per occurrence, to the responsible party (ies).
- H. **Hazardous material** calls shall be invoiced for materials used to clean up or contain the spill or contamination.
- I. In circumstances where the responsible party or parties in the preceding circumstances (#A,B,C,D,E,F and G) cannot be identified and/or located and/or reimbursement cannot be obtained from the person (s), the property owner shall be responsible for the invoiced costs if the Selectboard determines that service was made necessary due to the fault of the property owner.

## **Article VI. Ordinance Management**

- A. This ordinance shall be managed by the Selectboard.
- B. Invoices shall be issued by the Selectboard and shall include the date on which the services were provided by the Shaftsbury Fire Department, the type of incident that is serving as the basis for the invoice, an explanation of the services provided, and an itemization of the costs of the services provided.

Payments shall made within 30-days of invoicing to the Shaftsbury Town Treasurer with interest to accrue at the statutory rate on the 31<sup>st</sup> day. The invoice shall be mailed first class to the last known address of the person(s) responsible for payment.

Any invoice may be appealed to the Shaftsbury Selectboard. The appeal shall be in writing and shall be filed with the Selectboard within 10 days of the invoice date. The appeal shall be acted upon by the Selectboard within 15 days after the receipt of the appeal notice. Upon such appeal the Selectboard, following hearing, shall act to reverse, affirm, or modify the original

invoicing determination. The Selectboard shall issue a written decision to the aggrieved party within 15 days of the appeal hearing.

3. Invoicing/Reimbursement rates for any incident and/or occurrence shall be as established by the Selectboard. Rates shall be on file in the Town Clerk's Office and available for inspection

**Article VII. Severability, Liability, Amendments**

1. If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
2. This ordinance and its provisions may be amended by the Shaftsbury Selectboard, pursuant to the applicable provisions of the law.

**Article VIII. Ordinance in Force**

**A. Date of Enactment**

Duly enacted and ordained by the Selectboard of the Town of Shaftsbury, Bennington County, State of Vermont. On this day of April 3rd, 2006, at a duly warned and duly held meeting of the Selectboard.

**B. Effective Date**

This Ordinance shall become effective sixty (60) days from the date hereof, that is, on June 3rd, 2006.

**Shaftsbury Selectboard**

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Chair Wynn Metcalf
- \_\_\_\_\_  
Skip Fagerholm
- \_\_\_\_\_  
Jim Mead
- \_\_\_\_\_  
Karen Mellinger
- \_\_\_\_\_  
Cinda Morse

**Shaftsbury Fire Department**

- \_\_\_\_\_  
Chief Joseph J. Vadakin
- \_\_\_\_\_  
Asst. Chief Jay Coonradt
- \_\_\_\_\_  
Asst. Chief Jason Burnham

Note:

An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual meeting or special meeting duly warned for the purpose, pursuant to a petition signed and submitted by not less than 5% of the registered voters of the Town provided the petition is filed with the Town Clerk or Selectboard within 14 days of the adoption by the Selectboard. The Selectboard adopted this Ordinance on April 3rd, 2006. Any inquires can be directed to: The Town of Shaftsbury C/O Town Selectboard 61 Buck Hill Rd. Shaftsbury, VT 05262 (802) 442-4043

3/31/06