



TOWN OF BENNINGTON SERVICE REIMBURSEMENT ORDINANCE BENNINGTON FIRE DEPARTMENT

ARTICLE 27

ARTICLE 27-1 General Provisions

A. Title

All rules and regulations contained herein, together with such additions and Amendments as may be adopted, are hereby designated as the "Bennington Fire Department Service Reimbursement 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 as exists or as may be amended. 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 of Bennington for certain activities of the Bennington Fire Department as hereinafter defined. The Town of Bennington 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 of application of this Ordinance.

Article 27-2 Definitions

Unless the context specifically indicates 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 Bennington Fire Department during their involvement in an emergency and non-emergency incident.

“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).

“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 Vehicles Crashes” shall mean incidents involving one or more motorized vehicles including cars, trucks, buses, motorcycles, ATV’s, trains, snowmobiles, boats, planes and vehicles and trailers being pulled by motorized vehicles.

“Non-Permitted Burn” shall mean the intentional disposal of outside debris via burning.

“Primary Coverage Area” shall mean the geographic boundaries of the Town of Bennington.

“Power Line Problem” shall mean any incident where the Bennington 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 Bennington.

“Town” shall mean the Town of Bennington.

Article 27-3 Eligible Occurrences/Incidents

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

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

Article 27-4 Enforcement

1. All enforcement and application of this ordinance shall be the responsibility of the Bennington Fire Department Fire Chief in concert with the Public Safety Director.
2. The Bennington Fire Department is authorized to conduct investigations and take other steps that are necessary and provided by law to enforce the Ordinance.

Article 27-5 Invoicing

1. Invoices shall originate from the appropriate town office as determined by the Town Manager. Fees are shown in Schedule A.
 - A. **Malicious Incidents** shall be invoiced per occurrence, with the perpetrator to be held responsible.
 - B. **Motor Vehicle Crashes** within the primary coverage area of the Bennington Fire Department, shall be invoiced per occurrence. In the event multiple vehicles are involved, responsibility for costs may be prorated as determined by the Fire Chief 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 Green Mountain Power or other electric utility.
 - G. **Hazardous Material** calls shall be invoiced for materials used to clean up or contain the spill or contamination.
 - H. 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 Bennington Fire

Department determines that service was made necessary due to the fault of the property owner.

Article 27-6 Ordinance Management

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

Payments shall be made within 30-days of invoicing to the Town of Bennington with interest to accrue at the statutory rate on the 31st 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 Public Safety Director. The appeal shall be in writing and shall be filed with the Public Safety Director within 10 days of the invoice date. The appeal shall be acted upon by the Public Safety Director within 15 days after the receipt of the appeal notice. Upon such appeal, the Public Safety Director following hearing, shall act to reverse, affirm, or modify the original invoicing determination. The Public Safety Director shall issue a written decision to the aggrieved party within 15 days of the appeal hearing.

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

Article 27-7 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 Bennington Selectboard, pursuant to the applicable provisions of the law.

Article 27-8 Statutory Authority and Effective Date

THIS ORDINANCE IS HEREBY ADOPTED by the Select Board of the Town of Bennington, and shall unless a petition is filed as provided by law, become effective upon the expiration of sixty (60) days after said date of adoption.

Dated at Bennington, Vermont this 13th day of April, 2015:

Select Board
Town of Bennington, Vermont

Sharyn L. Brush

Donald A. Campbell

Jim Carroll

Justin J. Corcoran

Thomas H. Jacobs

Michael A. Keane

John C. McFadden

SCHEDULE A

The following is the fee schedule for the reimbursement of labor and equipment pertaining to calls that fall under the criteria of the reimbursement ordinance adopted by the Town of Bennington.

Initial Call:

- \$500.00 flat rate per call for up to and including two hours
- \$250.00 per fire apparatus for every hour after the second hour
- \$25.00 per hour for every firefighter/fire police after the 1st hour
- \$2,500.00 for motor vehicle crash with extrication