

Town of Readsboro Vermont

Notice of Adopted Ordinance

Pursuant to Title 24 V.S.A. Section 1972, the Readsboro Vermont Select Board hereby enacts the following Civil Ordinance:

READSBORO FIRE DEPARTMENT SERVICE REIMBURSEMENT ORDINANCE

- ARTICLE I. GENERAL PROVISIONS**
- ARTICLE II. DEFINITIONS**
- ARTICLE III. ELIGIBLE OCCURENCES/INCIDENTS**
- ARTICLE IV. ENFORCEMENT**
- ARTICLE V. INVOICING**
- ARTICLE VI. ORDINANCE MANAGEMENT**
- ARTICLE VII. SERVERABILITY, LIABILITY, AMENDMENTS**
- ARTICLE VIII. APPEALS PROCESS**
- ARTICLE IX. RIGHT TO PETITION**
- ARTICLE X. ORDINANCE IN FORCE**

The full text of the ordinance can be available at the Readsboro Town Office during regular business hours. The full text of the ordinance will be posted on the Town of Readsboro's website. Any questions about the ordinance can be addressed to Selectboard member David Marchegiani at 1-802-423-7730.

Date of Adoption: 4-30-14 Effective date: 6-29-14

Unless a petition is filed in accordance with VSA 24 section 1973, by June 13, 2014, the ordinance or rule shall become effective 60 days after the date of its adoption, or at such time following the expiration of 60 days from the date of its adoption as is determined by the legislative body. If a petition is filed in accordance with section 1973 of this title, the taking effect of the ordinance or rule shall be governed by subsection 1973(e) of this title.

Posted at: Readsboro Post Office, Readsboro Town Office, Readsboro General Store
Readsboro Central School and 6749 Main Street (aka Mack Brothers Inc.)

Readsboro Selectboard dated 4-30-14


David Marchegiani chm.


Helyn Strom Henriksen

**TOWN OF READSBORO, VERMONT
READSBORO 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 hereafter adopted, are designated as the "Readsboro Fire Department Service Reimbursement Ordinance", or "Ordinance".

B. Authority

This Ordinance is adopted pursuant to authority granted under 24 V.S.A. §§ 1971-1983 and 1951-1957. Additional related authority granted under 20 V.S.A. §§ 2672, 2675, 2961 and 2963, and V.S.A. §§ 1955. This ordinance is designated as a Civil Ordinance under 24 VSA 1971 (b)

C. Purpose

The purpose of this Ordinance is to provide for the reimbursement of costs incurred by the Town for emergency and non-emergency responses by the Readsboro Fire Department for special events, malicious incidents, nuisance incidents, hazardous materials incidents, motor vehicle accidents, and incidents caused by negligence and/or willful disregard for established fire and life-safety codes and ordinances such as non-permitted burns, permitted burns that get out of control due to negligence, and wildland fires the Town of Readsboro, and all persons responsible for and involved with enforcement or applications 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.

D. Filing of Ordinance

The Town Clerk of the Town of Readsboro 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.

ARTICLE II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in the Ordinance shall be as follows:

"Alarm Activations"/"Automatic Alarms" shall mean audible and /or visual alarm activations within or outside of a protected property, including those systems incorporating automatic fire department notification.

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

“Emergency Personnel” Shall mean the personnel appointed by the Fire Chief and/or his/her designee and/or Selectboard who are employees of the Readsboro Fire Department and/or Public Works (aka Highway) Department, during their involvement in an emergency or non-emergency incident/event.

“Emergency System” shall mean a system within any given property provided for activation and occupant and/or emergency services notification in the event of a fire and/or medical emergency.

“Equipment” shall mean engine, tanker, rescue vehicle, brush truck, supporting apparatus such as tools, hose ladders, etc., gear such as PPE (personal protective equipment), and related paraphernalia.

“Expendable Item(s)” shall mean items that are used at the scene of an incident and are replaceable supplies, to include but not limited to Foam and Hazmat Containment. It is anticipated that these items will be billed at replacement cost (and will include a small service fee).

“Fire Alarms” – see “Alarm Activations”

“Fire Chief” shall mean the individual appointed by the Selectboard as the department head responsible for the Readsboro Fire Department.

“Firefighter” shall mean all Fire Department Personnel, including the Fire Chief.

“Hazardous Materials Incident” shall mean those incidents involving the release of any product that could prove a danger to health or the environment.

“Malicious Incident” shall mean those emergency incidents which stem from an individual’s intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for other than an actual emergency.

“Motor Vehicle Accidents” shall mean incidents involving one or more motorized vehicles including cars, trucks, busses, trains, motorcycles, ATVs, snowmobiles, boats, planes and the vehicles and trailers being pulled by motorized vehicles.

“Non-Emergency Incident” shall mean those incidents which allow for fire and/or emergency medical response in a less urgent fashion, following established non-emergency response protocols.

“Non-Permitted Burn” shall mean the intentional disposal of outside debris via burning, without the verbal and/or written permission of the Fire Warden or his agent.

“Nuisance Incident” shall mean those incidents that are of the same nature, on a repetitive basis, at the same location, due to the 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.

“Permitted Burn” shall mean the intentional disposal of outside debris via burning with the verbal and/or written permission of the Fire Warden or his agent.

“Special Event” shall mean those non-emergency events that occur within the Town, requiring the presence of emergency personnel and/or permitted by the Town, as required by Town Ordinance, Vermont Labor & Industry, the Fire Department, or as requested by the owner of the involved property or event coordinator. Some examples of these events are parades, family reunions or other large gatherings.

“Town Resident” shall mean any person who resides in the Town of Readsboro.

“Town” shall mean the Town of Readsboro, Vermont.

“Wildland Fire” shall mean any outside fire involving general natural combustible materials, other than a permitted burn, with no restriction concerning area, or size of any damaged area.

ARTICLE III. ELIGIBLE OCCURENCES/INCIDENTS

The following types of occurrences and incidents within the primary coverage area of the Readsboro Fire Department are eligible for invoicing:

- A. Malicious Incidents
- B. Nuisance Incidents
- C. Motor Vehicle Accidents
- D. Hazardous Materials Incidents
- E. Non-Permitted Burns
- F. Permitted Burns that get out of control due to negligence
- G. Wildland Fires caused by negligence
- H. Special Events

ARTICLE IV. ENFORCEMENT

- A. All enforcement, invoicing, and application of this Ordinance is the responsibility of the Fire Chief or his agent.
- B. The Fire Chief is authorized to conduct investigations and take other steps that are necessary and provided by law to enforce this ordinance.

ARTICLE V. INVOICING

- A. Malicious Incidents shall be invoiced per occurrence, with the perpetrator to be held responsible.
- B. Nuisance Incidents shall be invoiced per occurrence, after three occurrences per calendar year. The property owner shall be held responsible.
- C. Motor Vehicle Accidents in Readsboro, and on VT Route 100 and 8 as well as Town roadways within the primary coverage area of the Readsboro 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.
- D. Hazardous Materials Incidents are invoiced per occurrence, with the property owner and/or supplying company being held responsible.
- E. Non-Permitted Burns shall be invoiced per occurrence, with the individual responsible for the burn being held responsible.
- F. Permitted Burns that get out of control due to negligence shall be invoiced per occurrence, with the individual to whom the burn permit was issued being held responsible.
- G. Wildland Fires shall be invoiced per occurrence, with the individual responsible for the fire being held responsible.
- H. In circumstances where the responsible party in the preceding circumstances (#A, B, D, E, F, and G) cannot be identified and/or located and/or reimbursement cannot be obtained from the person, the property owner shall be responsible for the invoiced costs if the Fire Chief determines that services were made necessary due to the fault of the property owner.
- I. Special events shall be invoiced per occurrence, with the property owner or event organizer(s) responsible as indicated at the time of the event planning.
- J. 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. Rates will change as Selectboard and Fire Chief deem appropriate.
- K. Reimbursement of costs incurred by the Town for emergency and non-emergency responses by the Readsboro Fire Department shall be sought only for Occurrences and Incidents Types #A, B, C,D, E, F, G, and H in Article III and only as follows:
 - 1. Occurrences and Incidents of Types #A, B, D, E, F, G, and H in Article III shall be invoiced to both Readsboro residents and non-Resident residents.
 - 2. Occurrences and Incidents of Type #C (that is, Motor Vehicle Accidents) in Article III shall be invoiced as follows:

- a. Both Readsboro residents and non-Readsboro residents shall be invoiced for Motor Vehicles Accidents in circumstances where a traffic ticket or citation is issued by a police officer or a physical arrest by a police officer has occurred.
 - b. Only non-Readsboro residents shall be invoiced for Motor Vehicles Accidents in circumstances where no traffic ticket or citation is issued by a police officer or no physical arrest by a police officer has occurred.
- L. "Equipment" costs for engine, tanker, rescue vehicle, and other related equipment utilized; support apparatus such as tools, hose, ladders, etc.; gear such as PPE (personal protective equipment), and related paraphernalia.
- "Expendable Item(s)" used at the scene of an incident that are replaceable supplies, and will include but are not limited to Foam and Hazmat Containment. It is anticipated that these items will be billed at replacement cost (and will include a small service fee).
- "Firefighter" shall mean all Fire Department Personnel, including the Fire Chief. A standard fee shall apply.
- M. In circumstances where the responsible party in the preceding circumstances cannot be identified and/or located and/or reimbursement cannot be obtained from the person, the property owner shall be responsible for the invoiced costs if the Fire Chief determines that services were made necessary due to the fault of the property owner.

ARTICLE VI. ORDINANCE MANAGEMENT

- A. This Ordinance shall be managed by the Fire Chief or his agent.
- B. The Town of Readsboro shall be reimbursed by the responsible party designated in Article V for reasonable and necessary expenses incurred by the Readsboro Fire Department pursuant to the following procedures:
 - 1. Invoices shall be issued by the Fire Chief, or assistant.
 - 2. Invoices shall include the date(s) on which services were provided by the Readsboro Fire Department, the type of incident under Article V that is serving as the basis for the invoice, an explanation of the services provided, and the cost of the services provided.
 - 3. Invoices shall provide that payment shall be made to the Town of Readsboro within 30 days of the date of the invoice with interest to accrue at the statutory rate beginning on the 31st day.
 - 4. The invoice shall be mailed first class mail to the last known address of the person responsible for paying the invoice.

5. In the event of any nonpayment of an invoice the Town may recover such invoices payments together with all legal cost including reasonable attorney's fees in an action of contract brought in a court of competent jurisdiction

ARTICLE VII. SERVERABILITY, LIABILITY, AMENDMENTS

- A. If any portion of the Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- B. This Ordinance and its provisions may be amended by the Readsboro Selectboard, pursuant to applicable provisions of the law.

ARTICLE VIII. APPEALS PROCESS

Any invoice may be appealed to the Readsboro Selectboard. The appeal shall be in writing and shall be filed with the Selectboard within ten days of the invoice date. The appeal shall be acted upon by the Selectboard within fifteen days after the receipt of the appeal notice. Upon such appeal, the Selectboard shall act to reverse, affirm, or modify in any regard the original invoicing determination for the Fire Chief. The Selectboard shall issue a written decision to the aggrieved party within fifteen days of the appeal hearing.

ARTICLE IX RIGHT TO PETITION

Voters of the Town of Readsboro are further hereby notified that within forty four (44) days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided by 24 VSA 1973.

ARTICLE X. ORDINANCE IN FORCE

Custodial Officials: Town clerk, Fire Chief or his agent

Issuing Officials: Fire Chief or his agent, Fire Warden or his agent

Appearing Officials: Fire Chief or his agent, Fire Warden or his agent, Town Agent, Grand Juror,

Municipal Attorney or any Readsboro Selectboard member.

A. Date of Adoption

Duly adopted by the Selectboard of the Town of Readsboro, Bennington County, State of Vermont, on this 30th day of April 2014 at a duly warned and duly held meeting of said Selectboard.

B. Effective Date

This Ordinance shall become effective sixty (60) days from the date hereof, that is, on June 29, 2014.

READSBORO SELECTBOARD

David Marchegiani DATE: 4/30/14
DAVID MARCHEGIANI, Chairperson

Helyn Strom Henriksen DATE: 4/30/14
HELYN STROM HENRIKSEN

DATE: _____

TOWN OF READSBORO, VERMONT
READSBORO FIRE DEPARTMENT
SERVICE REIMBURSEMENT ORDINANCE
EQUIPMENT AND MANPOWER RATES

1. Tanker - \$158.00 hr.
2. Engine - \$158.00 hr.
3. Emergency Personnel - \$25.00 hr.
4. Firefighter- \$25.00/hr.



TOWN OF READSBORO
Office of Town Clerk
& Treasurer

PO Box 187
301 Phelps Lane
Readsboro, VT 05350
Phone: (802) 423-5405
Fax: (802) 423-5423
clerk@readsborovt.org
www.readsborovt.org

07/21/2014

I hereby certify there has been no petition received in the Town Office pursuant to Title 24 V.S.A. § 1973 (b) concerning the "Readsboro Fire Department Service Reimbursement Ordinance" adopted on April 30, 2014, hence becoming effective June 29, 2014.

Amber J Holland

A handwritten signature in black ink, appearing to read "Amber J Holland". The signature is written in a cursive, flowing style.

Town Clerk

Town of Readsboro