

**Chapter 20****BRATTLEBORO 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 hereby designated as the "Brattleboro Fire Department Service Reimbursement Ordinance," or "Ordinance."

**B. Authority**

This Ordinance is adopted pursuant to authority granted under the authority granted by the Brattleboro Town Charter, Article 6, Section 3(c), and 24 V.S.A. §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 costs incurred by the Town for emergency and non-emergency responses by the Brattleboro 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 Brattleboro, 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.

**D. Filing Ordinance**

The Town Clerk of the Town of Brattleboro 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 this 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 Town Manager who are employees of the Brattleboro Fire Department during their involvement in an emergency or non-emergency incident/event.

“Emergency Systems” 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.

“Fire Alarms” - see “Alarm Activations.”

“Fire Chief” shall mean the individual appointed by the Town Manager as the department head responsible for the Brattleboro Fire Department.

“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.

“Medical Calls” shall mean those emergency incidents in which the Brattleboro Fire Department responds in conjunction with the provider of ambulance services.

“Motor Vehicle Accidents” shall mean incidents involving one or more motorized vehicles including cars, trucks, buses, 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 Burns” shall mean the intentional disposal of debris out-of-doors via burning, without the oral and/or written permission of authorized officials within the Fire Department.

“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 or any other fire department response that is deemed unnecessary by the Fire Chief, including but not limited to false alarms caused by carelessness.

“Permitted Burn” shall mean the intentional disposal of outside debris via burning, with the oral and/or written permission of authorized officials within the Fire Department.

“Primary Coverage Area of the Brattleboro Fire Department” shall mean within the limits of the Town of Brattleboro.

“Special Event” shall mean those non-emergency events that occur within the Town, requiring the presence of emergency personnel and/or permitting by the Town, as required by Town Ordinance, Vermont Division of Fire Safety, the Fire Department, or as requested by the owner of the involved property or event coordinator.

“Technical Rescue Event” shall mean those incidents that require rope rescue, confined space rescue and/or trench rescue services and/or extrication.

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

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

### **ARTICLE III** **ELIGIBLE OCCURRENCES / INCIDENTS**

The following types of occurrences and incidents within the primary coverage area of the Brattleboro Fire Department are eligible for invoicing pursuant to Article V of this Ordinance:

- 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
- I. Medical Calls
- J. Technical Rescue Events

Negligence shall be determined by the Fire Chief based on the investigation performed by the Fire Chief or his/her designee, subject to the right of appeal as described in Article VI of this Ordinance.

### **ARTICLE IV** **ENFORCEMENT**

- A. All enforcement, invoicing, and application of this Ordinance is the responsibility of the Fire Chief.

- 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. Fire Department response caused by carelessness or neglect that is deemed unnecessary by the Fire Chief can be invoiced per occurrence to the person/company responsible for the incident.
- C. Motor Vehicle Accidents in Brattleboro and surrounding communities where extrication is performed 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 shall be 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. Invoices shall be in the sole discretion of the Fire Chief.
- 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 caused by negligence 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 owners 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. Medical Calls shall be invoiced per occurrence, with the individual being treated held responsible for the costs of any supplies used during the call. Invoices shall be in the sole discretion of the Fire Chief.

- K. Technical Rescue Events in Brattleboro and surrounding communities where services are performed shall be invoiced per occurrence. In the event multiple individuals are involved, responsibility for costs may be prorated, as determined by the Fire Chief, among the persons involved.
- L. Invoicing / Reimbursement rates for any incident and/or occurrence shall be as established by the Selectboard. Rates shall be on file at the Fire Department and available for inspection. Payment of the expenses incurred pursuant to this ordinance shall be due within thirty (30) days of the date of invoice, and interest shall accrue at the statutory rate beginning the thirty first (31<sup>st</sup>) day.
- M. Reimbursement of costs incurred by the Town for emergency and non-emergency responses by the Brattleboro Fire Department shall be sought only for Occurrences and Incidents Types A, B, C, D, E, F, G, H, I, and J in Article III and only as follows:
1. Occurrences and Incidents of Types A, B, D, E, F, G, H, I, and J in Article III shall be invoiced to both Brattleboro residents and non-Brattleboro residents.
  2. Occurrences and Incidents of Type C (that is, Motor Vehicle Accidents) in Article III shall be invoiced to both Brattleboro residents and non-Brattleboro residents for Motor Vehicle 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, or extrication is performed.
- N. This Ordinance shall be managed by the Fire Chief or his designee.
- O. The Town of Brattleboro shall be reimbursed by the responsible party designated in this article for reasonable and necessary expenses incurred by the Brattleboro Fire Department pursuant to the following procedures: The expenses incurred pursuant to this ordinance shall be invoiced according to town policy. The following information shall be included on the invoice: the date(s) on which services were provided by the Brattleboro Fire Department, the type of incident under this article that is serving as the basis for the invoice, an explanation of the services provided, and the cost of the services provided.

**ARTICLE VI**  
**APPEAL**

Any invoice may be appealed to the Brattleboro Town Manager. The appeal shall be in writing and shall be filed with the Town Manager within ten (10) days of the invoice date. The appeal shall be acted upon by the Town Manager within fifteen (15) days after the receipt of the appeal notice. Upon such appeal, the Town Manager shall act to reverse, affirm or modify in any regard the original invoicing determination of the Fire Chief. The Town Manager shall issue a written decision to the aggrieved party within fifteen (15) days of the appeal hearing.

**ARTICLE VII**  
**ORDINANCE IN FORCE**

A. Date of Enactment

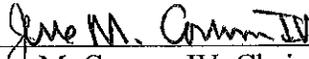
Duly enacted and ordained by the Selectboard of the Town of Brattleboro, Windham County, State of Vermont, on this 1st day of December, 2009, at a duly warned and duly held meeting of said Selectboard.

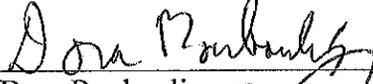
B. Effective Date

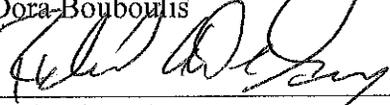
Pursuant to Article 4 Section 6(28), this ordinance shall be published in the Brattleboro Reformer on the 5<sup>th</sup> of December, 2009 and shall become effective on the 26<sup>th</sup> day of December, 2009.

<p>Brattleboro, Vermont December 3, 2009</p> <p>Town Clerk's Office, Brattleboro, Vermont, <u>December 4</u> at <u>11:15AM</u>, received and recorded in the foregoing Amendment to the Code of Ordinances in Volume <u>5</u>, Ordinances, at Page <u>445</u>.</p> <p>Attest  Town Clerk</p>
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**BRATTLEBORO SELECTBOARD**

  
\_\_\_\_\_  
Jesse M. Corum, IV, Chair

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John Allen, Vice Chair  
  
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Dora-Bouboulis

  
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Richard DeGray

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Martha O'Connor, Clerk

**Brattleboro Fire Department  
Fee Schedule**

A. Malicious Incidents

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one {1} hour)

B. Nuisance Incidents

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one {1} hour)

C. Motor Vehicle Accidents

\$200.00 per person that is extricated plus reimbursement of any overtime costs per hour if required

D. Hazardous Materials Incidents

Reimbursement of all costs incurred including but not limited to personnel and equipment

E. Non Permitted Burns

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one {1} hour)

F. Permitted Burns that get out of control due to negligence

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one {1} hour)

G. Wildland Fires caused by negligence

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one {1} hour)

H. Special Events

Reimbursement of all costs incurred including but not limited to personnel and equipment as deemed necessary by the Fire Chief and/or the Town of Brattleboro

I. Medical Calls

Reimbursement of equipment and/or supplies at replacement costs

J. Technical Rescue Events

Reimbursement of all costs incurred including but not limited to personnel and equipment as deemed necessary by the Fire Chief and/or the Town of Brattleboro

*\*All reimbursement for overtime costs is a minimum of two (2) hours\**

Fee Schedule for Equipment and Services

Document Copies

\$15.00 for 1-5 pages plus 50 cents for each additional page

Vehicles

\$200.00/hr. for engines/aerial ladder/rescue truck

\$100.00/hr. for alarm truck/tow vehicle (brush truck)/boat

\$ 50.00/hr. for Car 1, Car 2, Car 3, pickup and zodiac

Fee Schedule for Personnel

All personnel costs will be charged at the rates set forth in the pay scales in effect for the Brattleboro Fire Department at the time of incident. All reimbursement for **overtime** costs is a minimum of two (2) hours.