

DRAFT

TOWN OF MIDDLESEX, VERMONT MIDDLESEX 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 “Middlesex Fire Department Service Reimbursement Ordinance,” or “Ordinance.”

B. Authority

This Ordinance is adopted by the Town of Middlesex, Vermont, pursuant to authority granted under 24 VSA Sections 1955 and 1971-1983. 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 for emergency and non-emergency responses by the Middlesex Fire Department for Motor Vehicle Accidents and Hazardous Material Incidents. The Town of Middlesex, the Middlesex Fire Department, 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 of Ordinance

The Town Clerk of Middlesex shall file certified copies 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:

“Emergency Personnel” shall mean the personnel of the Middlesex Fire Department and the Middlesex FAST Squad during their involvement in an emergency or non-emergency incident/event.

“Fire Chief” shall mean the individual designated as head of the Middlesex 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.

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

"Middlesex Resident" shall mean any person who resides in the Town of Middlesex.

"Town" shall mean the Town of Middlesex, Vermont.

"The Select Board" shall mean the duly elected Select Board of Middlesex, Vermont.

ARTICLE III: ELIGIBLE OCCURRENCES / INCIDENTS

The following types of occurrences and incidents within the Town of Middlesex are eligible for invoicing pursuant to Article V of this ordinance:

- A. Motor Vehicle Accidents.
- B. Hazardous Materials Incidents.

ARTICLE IV: ENFORCEMENT

- A. Enforcement of this Ordinance is the responsibility of the Select Board.
- B. The Fire Chief is authorized to conduct investigations and take other steps that are provided by law and may be necessary to enforce this ordinance.

ARTICLE V: INVOICING

- A. Motor Vehicle Accidents in and around Middlesex shall be invoiced to **non-Middlesex residents** per occurrence. Middlesex residents and taxpayers **may** be invoiced **only** in circumstances where a traffic ticket is issued by a police officer or a physical arrest by a police officer has occurred for one of the following offenses: (1) Excessive speed (Title 23 VSA 1097), (2) Careless and Negligent operation (C&N) (Title 23 VSA 1091), (3) Driving While Intoxicated (DWI) (Title 23 VSA 1201), (4) Driving with a suspended license (DLS) (Title 23 VSA 674), (5) Leaving the scene of a motor vehicle accident (LSA) (Title 23 VSA 1128), (6) Operating a motor vehicle without owner consent (OOC) (Title 23 VSA 1094), (7) Attempting to Elude a Police Officer (ATE) (Title 23 VSA 1133), (8) Basic rule and maximum limits (ESA) (Title 23 VSA 1081.a). 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.
- B. Hazardous Materials Incidents are invoiced per occurrence, with the property owner and/or supplying company being held responsible.

- C. Reimbursement rates for any incident and/or occurrence shall be as established from time to time by the Middlesex Select Board, at a duly warned meeting of this board. These rates shall be on file in the Town Clerk's office and available for inspection.
- D. Reimbursement of costs incurred by the Middlesex Fire Department for emergency and non-emergency responses shall be sought only for Motor Vehicle Accidents and Hazardous Materials Incidents.

ARTICLE VI: ORDINANCE MANAGEMENT

- A. This Ordinance shall be managed by the Select Board.
- B. The Town of Middlesex shall be reimbursed by the responsible party designated in Article V for reasonable and necessary expenses incurred by the Middlesex Fire Department pursuant to the following procedures:
 - 1. Invoices shall be issued by the Select Board.
 - 2. Invoices shall include the date(s) on which services were provided by the Middlesex Fire Department, the type of incident under Article V that is 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 Middlesex within 30 days of the date of 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.

ARTICLE VII: SEVERABILITY / LIABILITY / AMENDMENTS

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

ARTICLE VIII: APPEALS PROCESS

Any invoice may be appealed to the Middlesex Select Board. The appeal shall be in writing, and shall be filed with the Select Board within 30 days of the invoice date. The appeal shall be acted upon by the Select Board within 30 days after the receipt of the appeal notice. Upon such appeal, the Select Board shall act to reverse, affirm, or modify in any regard the original invoicing. The Select Board shall issue a written decision to the aggrieved party within 30 days of the appeal hearing.

ARTICLE IX: ORDINANCE IN FORCE

A. Date of Enactment

Duly enacted and ordained by the Select Board on August 13, 2013, at a duly warned and duly held meeting of the Middlesex Select Board.

B. Effective Date

This Ordinance shall become effective sixty (60) days from the date hereof.

C. Adoption History

1. Entered as an agenda item for the regular meeting of the Middlesex Select Board held on July 9, 2013, which agenda was e-mailed to each member of the Select Board on July 3, 2013, and posted in the Middlesex Town Clerk’s Office on July 3, 2013.
2. Read and approved at a regular meeting of the Middlesex Select Board on August 13, 2013.
3. Entered in the minutes of the approved Middlesex Select Board on August 15, 2013.
4. Posted in the following public places in the Town of Middlesex:
 - a) The Town Clerk’s Office
 - b) Middlesex Town Hall
 - c) Red Hen Bakery
 - d) Rumney Memorial School
 - e) Wrightsville Reservoir
5. Notice of Adoption published August 21, 2013, in the Times-Argus, a newspaper voted by the Select Board as the paper of record

Middlesex Select Board

Peter Hood, Chair
Mary Just Skinner, Vice Chair
William Callnan
Mary Alexander
Steve Martin

ATTEST: _____
Sarah Merriman, Town Clerk and Assistant to the Select Board

The Middlesex Town Clerk’s Office: Received and recorded this on the ____ day of _____
2013, A.D. at Middlesex.

TOWN OF MIDDLESEX

MIDDLESEX FIRE DEPARTMENT SERVICES REIMBURSEMENT ORDINANCE

SERVICE REIMBURSEMENT RATES

Pursuant to Article V, Section C, of the Middlesex Fire Department Services Reimbursement Ordinance, the following invoicing/reimbursement rates shall apply:

Engines \$150/hour

Rescue \$100/hour

Utility Vehicle \$50/hour

Disposable Equipment billed per replacement cost

Labor \$20/hour per person

Adopted on this 13 day of August 2013, at a duly warned and duly held meeting of the Middlesex Select Board.