

TOWN OF FAIRFAX

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 ORIGINAL

Public Notice:

Fairfax Fire Department – Service Reimbursement Ordinance

On July 15, 2013, the Fairfax Selectboard adopted the Service Reimbursement Ordinance for the Fairfax Fire Department including the following:

- Article I – General Provisions
- Article II – Definitions
- Article III – Eligible Occurrences/Incidents
- Article IV – Enforcement
- Article V – Invoicing
- Article VI – Ordinance Management
- Article VII – Severability, Liability, Amendments
- Article VIII – Appeals Process
- Article IX - Ordinance in Force

Fairfax Selectboard,

Randy DeVine, Chair
Chris Santee, Vice-Chair
David Shea
Tom Fontaine
Leebeth Ann Lemieux

Received and Filed July 23. A true record.

Attest: Deborah Woodward, Town Clerk & Treasurer



Posted at the following businesses: Fairfax Town Office, the Fairfax Post Office, BFA Fairfax Library, Steeple Market and Nan's Mobil.

A complete text of this ordinance is available upon request at the Fairfax Town Clerk's Office during regular business hours. Title 24, Section 1973 provides for the filing of a petition for the public vote of this proposed ordinance. If no such public vote is requested, the ordinance shall become effective (60 days) September 13, 2013.

FAIRFAX 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 "Fairfax 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 with additional related authority under 20 V.S.A. § 39, 2672, 2675, 2961 and 2963, this ordinance is designated a civil ordinance.

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 Fairfax 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 Fairfax, 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 the Ordinance or enforcement or application of this Ordinance.

FAIRFAX FIRE DEPARTMENT
SERVICE REIMBURSEMENT ORDINANCE

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 of Fairfax who are employees of the Fairfax Fire Department and/or Public Works 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.

"Fire Alarms" - see "Alarm Activations".

"Fire Chief" shall mean the individual appointed by the Town Selectboard as the department head responsible for the Fairfax 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.

"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.

"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 authorized officials within the Fire Department.

FAIRFAX FIRE DEPARTMENT
SERVICE REIMBURSEMENT ORDINANCE

ARTICLE II. DEFINITIONS, continued

"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 other authorized officials within the Fire Department

"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 even coordinator.

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

"Town" shall mean the Town of Fairfax, 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.

**FAIRFAX FIRE DEPARTMENT
SERVICE REIMBURSEMENT ORDINANCE**

ARTICLE III. ELIGIBLE OCCURRENCES/INCIDENTS

The following types of occurrences and incidents within the primary coverage area of the Fairfax 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 and/or his/her designee.
- B. The Fire Chief and/or his/her designee 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 shall be invoiced per occurrence. In the event multiple vehicles are involved, responsibility for costs may be prorated, as determined by the Fire Chief and/or his/her designee, among the person(s), operator(s), or vehicle owner(s) involved.

FAIRFAX FIRE DEPARTMENT
SERVICE REIMBURSEMENT ORDINANCE

ARTICLE V. INVOICING, continued

- 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 and/or his/her designee 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 Fire Chief and/or his/her designee, and approved by the Selectboard. Rates shall be on file in the Town Clerk's office and available for inspection. ~~See Document, FCIFPA By-Laws Rev. 08~~
- K. Reimbursement of costs incurred by the Town for emergency and non-emergency responses by the Fairfax Fire Department shall be sought only for Occurrences and Incidents Types A, B, C, D, E, F, and G, in Article III and only as follows:
 - 1. Occurrences and Incidents of Types A, B, D, E, F, and G, in Article III shall be invoiced to both Fairfax residents and non-Fairfax residents.
 - 2. Occurrences and Incidents of Type C (that is, Motor Vehicle Accidents) in Article III shall be invoiced as follows:
 - a. Both Fairfax residents and non-Fairfax residents shall be invoiced 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.

**FAIRFAX FIRE DEPARTMENT
SERVICE REIMBURSEMENT ORDINANCE**

ARTICLE V. INVOICING continued

- b. Only non-Fairfax residents shall be invoiced for Motor Vehicle 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.

ARTICLE VI. ORDINANCE MANAGEMENT

- A. This Ordinance shall be managed by the Fire Chief and/or his/her Designee.
- B. The Town of Fairfax shall be reimbursed by the responsible party designated in Article V for reasonable and necessary expenses incurred by the Fairfax Fire Department pursuant to the following procedures:
 - 1. Invoices shall be reviewed by the Selectboard and issued by the Fire Chief or his/her Designee.
 - 2. Invoices shall include the date(s) on which services were provided by the Fairfax 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 Fairfax Town Treasurer 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 of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- B. This Ordinance and its provisions may be amended by the Fairfax Select-Board, pursuant to the applicable provisions of the law.

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ARTICLE VIII. APPEALS PROCESS

Any invoice may be appealed to the Fairfax Selectboard. The appeal shall be in writing, and shall be filed with the Selectboard Assistant within ten days of the invoice date. The appeal shall be acted upon by the Selectboard within thirty 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 of the Fire Department. The Selectboard shall issue a written decision to the aggrieved party within fifteen days of the appeal hearing.

ARTICLE IX. ORDINANCE IN FORCE

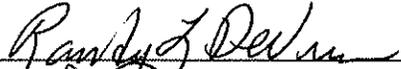
A. Date of Enactment

Duly enacted and ordained by the Selectboard of the Town of Fairfax, Franklin County, State of Vermont, on this 1st day of July, 2013, at a duly warned and duly held meeting of said Selectboard.

B. Effective Date

This ordinance shall become effective sixty (60) days after its adoption by the Fairfax Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

FAIRFAX SELECTBOARD

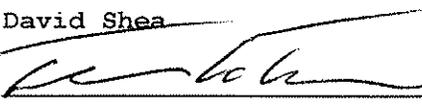


Randy L. Devine Chair

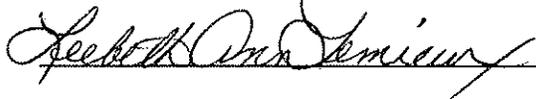


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