

TOWN OF WATERFORD, VERMONT  
WATERFORD FIRE DEPARTMENT  
SERVICE REIMBURSEMENT ORDINANCE

ARTICLE 1. 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 "Waterford Fire Department Service Reimbursement Ordinance," or "Ordinance."

**B. Authority**

This Ordinance is designated as a Civil Ordinance under 24 V.S.A. V.S.A. 1971:1983 and 1951:1957. Additional related authority granted under 20 V.S.A. 2672, 2675, 2961, and 2963.

**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 Waterford Fire Department for special events, malicious incidents, nuisance 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 wild-land fires. The Town of Waterford, 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 Waterford 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 11. 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 Board of Selectmen, who are members of the Waterford 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 Board of Selectmen as the department head responsible for the Waterford 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 Waterford 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.

"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 Waterford Fire Department" shall mean within the limits of the Town of Waterford.

"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 Waterford, Vermont.

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

ARTICLE 111. ELIGIBLE OCCURRENCES / INCIDENTS

The following types of occurrences and incidents within the primary coverage area of the Waterford 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 Bums
- F. Permitted Bums that get out of control due to negligence
- G. Wildland Fires caused by negligence
- H. Responding to a non-mutual aid town and towns that have no fire protection
- I. Requests for Non-Emergency Standby from Waterford taxpayers and landowners
- J. Special 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.

C. Motor Vehicle Accidents in Waterford and surrounding communities where extrication, fire suppression, hazardous materials clean-up or traffic control is pertbrmed 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 Bums shall be invoiced per occurrence, with the individual responsible for the bum being held responsible. Invoices shall be in the sole discretion of the Fire Chief.
- F. F Permitted Bums that get out of control due to negligence shall be invoiced per occurrence, with the individual to whom the bum 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. 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.
- I. In circumstances where the responsible party in the preceding circumstances (A, B, D, E, F and G) cannot be identified alld/or located and/or reimbursement cannot be obtained from the person, the property owner(s) 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.
- J. Invoicing/Reimbursement rates for any incident and/or occurrence shall be as established by the Waterford Selectboard and are not part of this Ordinance. Rates shall be on file in the Town Clerk's office and available for inspection. Rates may change based on recommendations of Fire Chief and Town Treasurer and warned vote of the Waterford Selectboard.
- K. Reimbursement of costs incurred by the Town for emergency and non-emergency responses by the Waterford 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, E, F, G, and H in Article III shall, after investigation of the Fire Chief or his designee, be invoiced to both Waterford residents and non-Waterford residents.
  - 2. Occurrences and Incidents of Type C (that is, Motor Vehicle Accidents) in Article III shall be invoiced to both Waterford residents and non-Waterford 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.
  - 3. Occurrences and Incidents of Type C and D (that is, Motor Vehicle Accidents and Hazardous Materials Incidents) in Article III shall be invoiced to nonWaterford residents only for Motor Vehicle Accidents and Hazardous Material Incidents in circumstances where extrication, fire suppression, hazardous materials clean-up, evacuation and/or traffic control are performed.

ARTICLE VI. ORDINANCE MANAGEMENT

- A. This Ordinance shall be managed by the Fire Chief or his designee.

B. The Town of Waterford shall be reimbursed by the responsible party designated in Article V for reasonable and necessary expenses, as specified in the "Waterford Fire Department Fee Schedule", incurred by the Waterford Fire Department pursuant to the following procedures:

- I. Invoices shall be issued by the Fire Chief or his/her designee.
2. Invoices shall include the date(s) on which services were provided by the Waterford 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 Waterford Town Treasurer within 30 days of the date of invoice with interest to accrue at the statutory rate beginning on the 31 st day.
4. The invoice shall be mailed first class, registered mail, return receipt to the last known address of the person responsible for paying the invoice.

#### ARTICLE MI. 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 Waterford Selectboard, pursuant to applicable provisions of the law.

#### ARTICLE PENALTIES

This Ordinance is designated as a civil ordinance. In the event of any non-payment of an invoice the town may recover such invoice payments together with all legal costs including reasonable attorney's fees in an action of contract brought in a court of competent jurisdiction.

#### ARTICLE IX. APPEALS PROCESS

Any invoice may be appealed to the Waterford Selectboard. The appeal shall be in writing and shall be filed with the Waterford Selectboard within ten (10) days of the invoice date. The appeal shall be acted upon by the Waterford Selectboard within fifteen (30) days after the receipt of the appeal notice. If the appeal requests a public hearing the Selectboard shall hold a public hearing within the 30 day time frame. The Town Clerk, the Fire Chief, and the person appealing the invoice shall be notified of the hearing date. Upon such appeal, the Waterford Selectboard shall act to reverse, affirm, or modify in any regard the original invoicing determination of the Fire Chief. The Waterford Selectboard shall issue a written decision to the aggrieved party within fifteen days of the Selectboard's receipt of the appeal, or in the case of an appeal hearing within fifteen days after the appeal hearing.

#### ARTICLE X. PUBLICATION AND POSTING

This Ordinance shall be entered into the minutes of the town records and shall be posted in at least five conspicuous places in town. A concise summary of it shall be published in the

CaledonianRecord, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

ARTICLE X]. INFORMATION

The Waterford Town Clerk whose telephone number is 802-748-2122, and whose address is Box 56, Lower Waterford, VT 05848, is a person knowledgeable about the Ordinance and is available to answer questions and provide persons with a full text thereof.

ARTICLE XII. RIGHT TO PETITION

Citizens of the Town of Waterford 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 in 24 V SA 1973.

ARTICLE XIII. ORDINANCE IN FORCE

A. Date of Enactment


Duly enacted and ordained by the Selectboard of the Town of Waterford, Caledonia County, State of Vermont, on this 22<sup>nd</sup> day of January, 2024, at a duly warned and duly held meeting of said Selectboard.

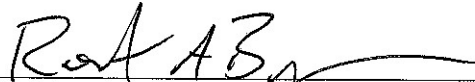
B. Effective Date

This Ordinance shall become effective immediately, that is, on January 22, 2024.

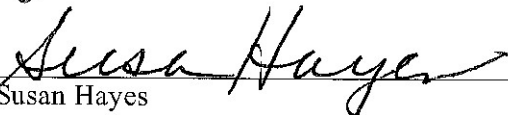
Town of  
Waterford

WATERFORD SELECTBOARD

  
\_\_\_\_\_  
Mike Barrett, Chair

  
\_\_\_\_\_  
Rob Begin, Vice Chair

  
\_\_\_\_\_  
Gary Allard

  
\_\_\_\_\_  
Susan Hayes

  
\_\_\_\_\_  
Warner Hodgdon

## APPENDIX A: Waterford Fire Department Fee Schedule

## A. Malicious Incident

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one (1) hour), plus documents and expendable items.

## B. Nuisance Incidents

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one (1) hour), plus documents and expendable items.

## C. Motor Vehicle Accidents

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one (1) hour), plus documents and expendable items.

## D. Hazardous Materials Incidents

Reimbursement of all costs incurred including but not limited to personnel and equipment, plus documents and expendable items.

## E. Non Permitted Burns

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one (1) hour), plus documents and expendable items.

## 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), plus documents and expendable items.

## 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), plus documents and expendable items.

## H. Responding to a non-mutual aid town and towns that have no fire protection

Charge for each responding vehicle per vehicle fee schedule, plus personnel costs per hour (minimum of one (1) hour), plus documents and expendable items. I. Requests for Non-Emergency Standby from Waterford taxpayers and landowners

Two (2) hours at no charge and \$50/hour per truck and crew thereafter.

## J. Special Events

Reimbursement of all costs incurred including but not limited to personnel, equipment and expendable items as deemed necessary by the Fire Chief and/or the Town of Waterford.



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

Fee Schedule for Equipment and Services

Vehicles

\$300.00 per hour

Portable Equipment (pumps, generators, etc.)

\$100.00 per hour, and a member of the Department must accompany the equipment

Document Copies

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