

Chapter 22 -- FIRE/EMS SERVICE REIMBURSEMENT ORDINANCE

Chapter 22. Fire/EMS Service Reimbursement.

Sec. 22-1 – 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 “Barre City Fire/EMS Service Reimbursement Ordinance” or “Ordinance”.

(b) Authority - This Ordinance is adopted pursuant to authority granted under 20 V.S.A. §§ 2672, 2675, 2961, and 2963; 24 V.S.A. §§ 1955 and 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 City for Emergency and Non-Emergency responses by the Barre City Fire/EMS 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.

Sec. 22-2 – 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.

CITY RESIDENT shall mean any person who resides in the City of Barre.

CITY shall mean the City of Barre, Vermont

EMERGENCY INCIDENT shall mean those incidents that require fire and/or emergency medical response in an immediate fashion, following established emergency response protocols, including the sudden, and at the time, unexpected onset of an illness or medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could be reasonably expected by the prudent lay person who possesses an average knowledge of Health and Medicine, to result in:

- I. Placing the member’s physical and mental health in serious jeopardy; or
- II. Serious impairment of body functions; or
- III. Serious dysfunction of any body organ or part.

EMERGENCY PERSONNEL shall mean the personnel who are employees of the Barre City Fire/EMS 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 City Manager as the Department Head responsible for the Barre City Fire/EMS Department.

HAZARDOUS MATIERALS INCIDENT shall mean those incidents involving the release of any product that could prove a danger to health or 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 ASSIST, LIFT ASSIST shall mean medical calls where ambulance transport is not needed, or where there are false calls from Medical Alert activations.

MOTOR VEHICLE ACCIDENTS shall mean incidents involving one or more motorized vehicles including cars, trucks, busses, 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 BURNS shall mean the intentional disposal of outside debris via burning, without written permission of authorized officials within the Fire/EMS 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 BURNS shall mean the intentional disposal of outside debris via burning with the written permission of authorized officials within the Fire/EMS Department.

RESPONSE shall mean any vehicle and/or manpower that responds to a call as set forth in the Barre City Fire/EMS Department Standard of Operating Procedures/Guidelines.

SPECIAL EVENT shall mean those non-emergency events that occur within the City, requiring the presence of emergency personnel and/or permitting by the City, as required by City Ordinance, Vermont Labor & Industry, Vermont Department of Public Safety, the Fire/EMS Department, or as requested by the owner of the involved property or event coordinator.

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.

Sec. 22-3 – Eligible Occurrences/Incidents

The following types of occurrences and incidents within the primary coverage area of the Barre City Fire/EMS Department are eligible for invoicing:

- a) Malicious Incidents
- b) Nuisance Incidents
- c) Motor Vehicle Accidents
- d) Hazardous Materials Incidents
- e) Medical Assist, Lift Assist
- f) Non-Permitted Burns
- g) Permitted Burns that get out of control due to negligence
- h) Vehicle Extrication
- i) Vehicle Fires
- j) Wildland Fires caused by negligence
- k) Special Events

Sec. 22-4 – 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 Barre City, RT 14, RT 302, and RT 62 within the primary coverage area of the Barre City Fire/EMS 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 as outlined in Sec. 22-4(a), (b), (d), (e), (f) and (g) cannot be identified 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 Barre City Council. Rates shall be on file in the City Clerk's office and available for inspection.

- k) Reimbursement of costs incurred by the City for emergency and non-emergency responses by the Barre City Fire/EMS Department shall be sought only for Occurrences and Incidents as specified in Sec. 22-4(a-h) and only as follows:
 - (i) Occurrences and Incidents as outlined in Sec. 22-4(a), (b), (d), (e), (f) and (g) shall be invoiced to both Barre City residents and non-Barre City residents.
 - (ii) Occurrences and Incidents as outlined in Sec. 22-4(c) shall be invoiced as follows:
 - 1. Both Barre City residents and non-Barre City 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.
 - 2. Only non-Barre City 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) Response to federal or state owned property in accordance with Barre City Fire/EMS Department protocol.

Sec. 22-5 – 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 Barre City Council, pursuant to applicable provisions of the law. (Ord. No. 2008-05, 10-07-08)