

**TOWN OF KILLINGTON, VERMONT
KILLINGTON VOLUNTEER 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 hereinafter adopted, are hereby designated as the “Killington Fire Department Service Reimbursement 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. Sections 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 not to charge for Fire Protection but to provide for the reimbursement of costs incurred by the Town for emergency and non emergency responses by the Killington Volunteer Fire Department (d/b/a Killington Fire Rescue) for certain defined events.

D. The Town of Killington, 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.

E. Filing of Ordinance

The Town Clerk of the Town of Killington shall file a certified copy of this Ordinance, as well as certified copies of any additions or amendments to this Ordinance as may be thereafter adopted, in the municipal records.

ARTICLE II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning or terms used in this Ordinance shall be as follows:

“Emergency Incident” shall mean those incidents that required fire and/or emergency response in an immediate fashion, following established emergency response protocols.

“Emergency Personnel” shall mean members of the Killington Volunteer Fire Department during their involvement in an emergency or non-emergency incident/event.

“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, busses, trains, motorcycles, ATV’s, snowmobiles, boats, planes, and the vehicles and trailers being pulled by motorized vehicles.

“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.

“Nuisance Incident” shall mean those incidents that are of the same nature, on a repetitive basis, at the same location, not involving fire or smoke, and not regulated by the Town of Killington Alarm Ordinance. When a call involves an alarm, this alarm ordinance shall take precedence.

“Primary Coverage Area” shall mean the geographic boundaries of the Town of Killington.

“Power Line Problems” shall mean any incident where the Killington Volunteer Fire Department is called out to assist with emergency power line outages or protection from downed power lines.

“Search and Rescue Calls” shall mean any incident where the Killington Volunteer Fire Department is called out to assist with the search and rescue of any lost, missing, or injured person(s).

“Town Resident” shall mean any person who resides in the Town of Killington.

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

ARTICLE III. ELIGIBLE OCCURRENCES/INCIDENTS

The following types of occurrences and incidents within the primary coverage area of the Killington Volunteer Fire Department are eligible for invoicing:

- A. Malicious Incidents
- B. Motor Vehicle Accidents
- C. Non-Permitted Burns

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

E. Search and Rescue Calls

F. Power Line Problems

G. Nuisance Incidents

ARTICLE IV. ALARM ORDINANCE REFERENCED

When a call for service that involves an alarm activation requesting service by the Killington Volunteer Fire Department, The Town of Killington Alarm Ordinance shall take precedence over this ordinance.

ARTICLE V. ENFORCEMENT

A. All enforcement, invoicing and application of this Ordinance is the responsibility of the Municipal Manager or his/her designee of the Town of Killington.

B. The Municipal Manager or his/her designee is authorized to conduct investigations and take other steps that are necessary and provided by law to enforce the Ordinance.

ARTICLE VI. INVOICING

A. Malicious Incidents shall be invoiced per occurrence, as per state law and this ordinance, with the perpetrator to be held responsible.

B. Motor Vehicle Accidents within the primary coverage area of the Killington Volunteer Fire Department, including any mutual aid calls when the Killington Volunteer Fire Department has been asked to assist, shall be invoiced per occurrence, as per state law and this ordinance. In the event multiple vehicles are involved, responsibility for costs may be prorated as determined by the Municipal Manager or his/her designee, among the person(s), operator(s), or vehicle owner(s) involved.

C. Non-Permitted Burns shall be invoiced per occurrence, as per state law and this ordinance, with the individual responsible for the burn being held responsible.

D. Permitted Burns that get out of control due to negligence shall be invoiced per occurrence, as per state law and this ordinance, with the individual to whom the burn permit was issued being held responsible.

E. Rescue Calls shall be invoiced per occurrence, as per state law and this ordinance, with the person(s) rescued being held responsible.

F. Power Line Problems shall be invoiced per occurrence, as per state law and this ordinance, to Central Vermont Public Service Corporation.

G. Nuisance Incidents shall be invoiced per occurrence, as per this ordinance, after three occurrences within twelve consecutive months.

H. In circumstances where the responsible party or parties in the preceding circumstances (A, B, C, D, E, F, and G above) cannot be identified and/or located and/or reimbursement cannot be obtained from the person(s), the property owner shall be responsible for the invoiced costs if the Municipal Manager or his/her designee determines that service was made necessary due to the fault of the property owner.

I. Invoicing/Reimbursement rates for any incident and/or occurrences shall be as follows: a.) Apparatus \$200.00 per hour; b.) Personnel \$20.00 per hour per emergency service responder.

ARTICLE VII. ORDINANCE MANAGEMENT

A. This Ordinance shall be managed by the Municipal Manager or his/her designee.

B. The Town of Killington shall be reimbursed by the responsible party designated in Article V for reasonable and necessary expenses incurred by the Killington Volunteer Fire Department pursuant to the following procedures:

1. Invoices shall be issued by the Municipal Manager or his/her designee

2. Invoices shall include the date(s) on which services were provided by the Killington Volunteer Fire Department, an explanation of the services provided, and the cost of the services provided.

3. If it becomes necessary to send a second invoice, such additional invoice shall provide that payment shall be made to the Killington Town Treasurer within 30 days of the date of invoice with interest to accrue at the statutory rate (12 % per annum as set by 9 V.S.A. 41 a) beginning on the 31st day following mailing of the second invoice.

4. The invoice shall be mailed first class to the last known address of the person, firm, corporation, or insurance company, responsible for paying the invoice. The Town of Killington will submit an invoice to the responsible parties insurance company if such information regarding the responsible parties insurance company and policy number is known to the town.

ARTICLE VIII. 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 Killington Select Board from time to time, pursuant to the applicable provisions of the law.

ARTICLE IX. ORDINANCE IN FORCE

A. Date of Enactment

Duly enacted and ordained by the Select Board of the Town of Killington, Rutland County, State of Vermont, on this 4th day of Killington, 2010, at a duly warned and duly held meeting of said Selectboard.

B. Effective Date

This Ordinance shall become effective sixty (60) days from the date hereof, that is, on December 3, 2010

Killington Select Board



Michael E. Miller, Chair



J. Christopher Bianchi


Jim Haff