

Ann D. Chadwick

Town of Pittston Traffic Incident Ordinance

SECTION 1. Title, Authority, Purpose and Definitions

A. Title

This Ordinance shall be known and cited as the Traffic Incident Ordinance of the Town of Pittston, Maine, and will be hereinafter referenced to as the "Ordinance".

B. Authority

This Ordinance is adopted pursuant to Title 30-A, MRSA Section 3001 (Home Rule).

C. Purposes

The purposes of this Ordinance are:

1. to promote the health, safety, and general welfare of Pittston's residents;
2. to protect the citizens of Pittston from potential expenses incurred through emergency services provided at incident scenes; and
3. to enable the town to recover costs associated with incident scene traffic control, victim extraction and clean-up costs.

D. Definitions

Costs: Expenses incurred while controlling traffic at an incident scene, extraction of victims, control and disposal of hazardous and other materials, control and prevent fire and overall scene safety.

Driver(s): Any individual operating a vehicle involved in the traffic incident.

Fault: The individual indicated of wrongdoing as contained in a police incident report.

Individual(s): Any person, corporation, partnership, firm, organization or other legal entity.

Resident(s): An individual domiciled in the Town of Pittston as of the date that the incident occurred.

Traffic Incident: Any vehicle event to which the Town of Pittston's emergency services were dispatched or requested by the Kennebec County Sheriff's Department, Maine General Hospital, written mutual aid agreement or any state agency.

SECTION 2. Availability, Conflicts, Effective Date, Amendments, Validity, and Severability

A. Availability

A certified copy of this ordinance shall be filed with the Municipal Clerk and shall be accessible for viewing to any member of the public. A copy of the ordinance can also be obtained at a reasonable cost at the expense of the person making the request.

B. Conflicts with other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other applicable ordinance, regulation or statute, the more restrictive provision shall control.

C. Effective Date

The effective date of this Ordinance shall be the date of the adoption at regular or Special Town Meeting on September 18, 2003

D. Amendments

The Ordinance may be amended only by the authority required for its original enactment.

E. Validity and Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 3. General Provisions

A. Applicability

1. The provisions of this Ordinance shall govern all Traffic Incident scenes to which Pittston's emergency services, including the Pittston Fire Department, are dispatched or requested by the Kennebec County Sheriff's Department, Maine General Hospital, written mutual aid agreement or any state agency to: control traffic at an incident scene, extract victims, control and dispose of hazardous and other materials, control and prevent fire and overall scene safety.
2. This Ordinance shall govern all Individuals who receive the emergency services provided at the scene by the Town of Pittston except Individuals who are Residents of the Town of Pittston as of the date that service was provided.

B. Responsibility

1. Any Individual, other than a Resident of Pittston, who is deemed at Fault will be responsible for all Costs of any services as described in "Section 3A Applicability" above and will be held responsible for all incurred Costs of those services provided in connection with the Traffic Incident.
2. In the event that no Fault is determined, all Costs shall be apportioned equally among all Drivers.
3. At no time will any Resident of the Town of Pittston be held responsible or billed for any Costs incurred under the authority of this Ordinance.
4. The Individual shall have the burden of proving that they are a Resident of the Town of Pittston as of the date of the Traffic Incident.

SECTION 4. Administration and Collections

A. Town of Pittston Administering Bodies, Agents and Collections

1. It shall be the duty of the Treasurer to issue all bills relating to this Ordinance within 45 (forty-five) days from the date of the incident. Bills shall be due 30 (thirty) days from the date billed. Interest will accrue at the rate of 5 (five) percent per annum beginning on the 31st (thirty-first) day from the date billed.

2. All monies collected shall be used for training and/or purchase of safety equipment.
3. The Treasurer shall periodically report to the Municipal Officers the amounts of such bills and fees collected. This information shall be maintained as any other financial record.
4. The Fire Department shall keep a complete record of all Traffic Incident billing transactions of that department including Individuals involved in the Traffic Incident.
5. It shall be the duty of the Fire Department to inventory and submit an itemized listing, including the name and address of the Individual(s) to be billed, to the Treasurer for all Costs incurred and related to the Traffic Incident within 25 (twenty-five) days from the date that service was provided.
6. It shall be the duty of the Municipal Officers to authorize legal actions to further the purpose and provisions of this Ordinance. When the above action does not result in payment, or if the payment in full is not received within 60 (sixty) days from the date the bill was submitted to the Individual, the Municipal Officers upon notice from the Treasurer may institute legal actions and proceedings that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

Traffic Incidence Ordinance Policy

Billing to any insurance company for traffic incidents covered by this ordinance is to be \$100 per hour for any hour or part thereof.

Adopted 10-15-03
Pittston Selectboard