

ORDINANCE #322
COST RECOVERY FOR EMERGENCY SERVICES

Adopted: 12/8/09
Effective: 12/8/09

SECTION I
PURPOSE OF THIS ARTICLE

The purpose of this Ordinance is to authorize the Charter Township of Bangor to recover costs incurred from the utilization of township resources in response to certain emergency incidents and demands for services, including, but not limited to, Police, Fire and Emergency Medical Services. The Charter Township of Bangor authorizes the imposition of charges to recover reasonable and actual costs incurred by the Township in responding to such incidents under the authority of *1951 P.A. 33, as amended*.

SECTION II
RESPONSIBLE PARTIES

The Township shall bill persons, entities, or corporations determined to be responsible for certain services provided by or through the Township or any Fire Department contracted by the Township. Any party benefiting from such services shall be responsible for payment of the full charge for such services rendered. When a particular service rendered by or through the Fire Department directly benefits more than one person or property, the owner of each property so benefited and/or each person so benefited if property protection is not involved, shall each be liable for the payment of the full charge for services. Beneficiaries shall also be responsible jointly and severally for charges billed to the recipient of the service. Parents and/or guardians shall be responsible for payment for assessable services incurred by minors who caused the condition or event leading to the charges.

SECTION III
DEFINITIONS

The following terms or phrases shall be defined to mean:

1. Assessable Costs. The costs incurred by the Township, including but not limited to the actual labor and material costs to the Township, whether or not such services are provided by the Township or by a third party independent contractor on behalf of the Township; service charges or interest; attorneys fees; litigation costs; and any costs, charges, fines, or penalties to the Township imposed by any local, state, or federal governmental entities. The actual labor and material costs to the Township include, without limitation employee wages; Workers Compensation benefits; overtime; fringe benefits; administrative overhead; costs of equipment; costs of equipment operation, materials, excavation, transportation, and disposal; costs of any contracted labor or materials; and any and all other labor and material costs.
2. Bomb Threats. The verbal or written threat of a bomb or other explosive device, which if discharged as threatened would violate a federal, state or local law.

3. Charge Against Person. The costs of an emergency response shall be a charge against the person liable for the costs under this ordinance. The charge constitutes a debt of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.
4. Cost Recovery Schedule. The Cost Recovery for Emergency Services Fee Schedule adopted by the Township Board as part of this Ordinance, shall be included by reference. It shall be presumed that the costs listed in this schedule are the true costs incurred by the Township and represent the "costs of an emergency response or requested service." This schedule shall be available to the public from either the Township Clerk or the Fire Department.
5. Emergency Assistance. Any request for emergency medical, police, fire or emergency preparedness services defined herein.
6. Extra Services / Special Services. Services provided by the Bangor Township Fire Department or individual officers of the department that are specifically identified in the cost recovery schedule.
7. False Alarms. Any automated or manual devices designed to request or summon emergency assistance which device is activated intentionally or otherwise, in absence of an actual need for emergency assistance. The most senior person responding to a false alarm shall make the determination that there was no actual need for emergency assistance. Provided, however, a false alarm shall not be deemed to have occurred if caused by an act of God, lightning storm, or it originates from a motor vehicle alarm system.
8. Fire Chief. The Chief operational and administrative officer of the Fire Department, or in his/her absence, the senior Fire officer in charge at the time of response.
9. Fire Department. The Fire Department created by the Township Board of the Charter Township of Bangor.
10. Motor Vehicle. Any self propelled or towed vehicle designed or used on the public streets, roads, and highways and for the purpose hereof all trailers or appurtenances attached to any motor vehicle.
11. Public Safety or Emergency Incident. Including a false alarm, bomb threats, or utility line failure.
12. Responsible Party / Extra Services. Any persons, individual, business or other entity that requests, requires or is provided extra services or special services specifically identified in the Cost Recovery Schedule.
13. Utility Line Failure. The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport natural gas or communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses) if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to correct or repair such failure.

14. Water/Ice Rescue Attempt. Any emergency response by Township personnel in connection with any emergency or perceived emergency, on, near or caused by a body of water. For purposes of this definition, “body of water” includes without limitation; rivers, lakes, streams, impoundments, estuaries, springs, wells, or other collectors of water, including a Wetland, as defined by the Michigan Natural Resources and Environmental Protection Act, as amended.

SECTION IV ASSESSABLE COSTS

Costs associated with the following actions or services, also referred to, as “assessable services” in the Ordinance shall be jointly and severally assessed to any and all responsible and benefited parties. Costs incurred by the Township or any agency contracted by the Township include, but are not limited to, materials, equipment, manpower, administration, and assistance within the Fire Department, from other departments of the Township, or outside sources or contractors, injuries or damages to people or property which results from the situation which caused the Township to incur assessable costs, and any other factors deemed relevant.

1. Costs incurred to extinguish or fight any fire in or at a structure or on a property, including, but not limited to, overhauling equipment, fire extinguishers and foam, any demolition costs if the structure must be demolished to protect the public safety following the fire, and any liabilities resulting from such.
2. Costs incurred in connection with a utility line or facility failure or problem and any liabilities resulting from such.
3. Costs incurred in connection with any water/ice rescue or recovery attempt and any liabilities resulting from such.
4. Costs incurred in connection with any technical rescue or Technical Rescue Unit (i.e. the equipment and/or specially trained rescue and/or recovery team provided by governmental or private emergency response services to provide emergency serviced in situations involving the technical rescue and/or recovery situation) and any liabilities resulting from such.
5. Costs associated with a motor vehicle accident, extrication of individuals from a vehicle or motor vehicle fire, including but not limited to, “spill clean-up,” foam, fire extinguishers, and any liabilities resulting from such.
6. Costs associated with an intentional false alarm, or an unintentional false alarm in excess of three (3) times in a one calendar year time period at an individual address.
7. Costs incurred in connection with any special services that the Township might need to provide in an emergency.
8. Any assessable costs, including litigation expenses, which become known to the Township following the transmittal of a statement to the responsible party pursuant to this Ordinance shall be billed in the same manner.

**SECTION V
CHARGES FOR SERVICES**

The Township shall be authorized to collect fees for police/fire services according to the attached fee schedule, included by reference in this Ordinance adopted by the Township Board.

**SECTION VI
INTERPRETATIONS**

The Chief of the Fire Department shall have the right to render formal interpretations of provisions of this Ordinance. Any such interpretation shall be binding unless any such interpretation is overturned or modified by a timely appeal to the Township Board pursuant to the Section IX hereof or by a court of competent jurisdiction.

**SECTION VII
APPLICABILITY OF CHARGES REGARDLESS OF OUTCOME**

The assessable costs and charges under this Ordinance shall be applicable regardless of the results or outcome of services provided by or through the contracted Fire Departments with regard to the particular fire, rescue service, or other emergency involved.

**SECTION VIII
ADDITIONAL REMEDIES**

The assessable costs and charges specified by this Ordinance are intended to reimburse the Township for its reasonable costs and expenses incurred, and are not penal in nature. Accordingly, all charges or assessable costs billed or imposed pursuant to this Ordinance shall be in addition to any penal fines, fees, or other costs or expenses which may be imposed on the property owner or beneficiary pursuant to any ordinance.

**SECTION IX
RIGHT TO APPEAL**

Any responsibility party who receives a statement of costs assessed pursuant to this Ordinance shall have the opportunity to appeal the costs to the Township Board. The responsible party who wishes to appeal any assessable costs shall file a written appeal with reasons for the appeal with the Township Treasurer within fourteen (14) calendar days of the statement of the assessed costs. The appeal will stay all payments due until the Township Board decides the appeal. The appeal will be placed on the agenda of the next regularly scheduled or special Township Board meeting. The Township Board will consider the request and will make a determination regarding the assessable costs in the case appealed. The Township Board will also determine the date that any or all accessible costs involved in the appeal will become due.

**SECTION X
SEVERABILITY**

This Ordinance is declared to be available. Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

**SECTION XI
REPEAL**

Ordinance # 276 in its entirety, and all resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**SECTION XII
EFFECTIVE DATE**

This Ordinance shall take effect upon its publication following its adoption by the Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.