

# EMERGENCY RUN CHARGES

## ORDINANCE NO. 2009-2

An ordinance to establish cost-recovery charges and exemptions for fire department, first responder, and other emergency services under Public Act 33 of 1951, as amended (MCL 41.801, et seq.), and to provide methods for collecting those charges.

THE TOWNSHIP OF ARBELA, TUSCOLA COUNTY, MICHIGAN ORDAINS:

### **Section 1: Purpose**

This ordinance is adopted to enable the Township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection, first responder, and other emergency services provided by the Township, and those responsible for hazardous materials releases and incidents.

### **Section 2: Cost-Recovery Charges**

The following charges are due and payable to the Township from a recipient of any of the following listed fire protection and other emergency services from the Township:

- A. Vehicle fire \$ \_\_\_\_\_
- B. Vehicle requiring the jaws of life \$ \_\_\_\_\_
- C. Emergency rescue service: \$ \_\_\_\_\_
- D. Medical 1<sup>st</sup> responder service: \$ \_\_\_\_\_
- E. Other services not specifically listed: \$ \_\_\_\_\_

### **Section 3: HAZMAT Response**

In the event of response to a hazardous materials release or incident, the Township may recover from all responsible parties the actual cost to the Township and response team, including charges incurred for engaging experts, contractors, equipment, and outside agencies and personnel to effect cleanup and temporary remediation of the site. At its own election, the Township may determine whether to proceed against the responsible parties as stated in the provisions of this Ordinance, or Part 201 of NREPA, MCL 324.20101, et seq.

### **Section 4: Time for Payment for Run**

All of the foregoing charges are due and payable within 30 days from the date the service is rendered and, in default of payment, are collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt, and as provided in this Ordinance.

### **Section 5: Exemptions**

The following properties and services are exempt from the foregoing charges:

- A. False alarms;
- B. Fires caused by railroad trains, which are the specific statutory responsibility of railroad companies;
- C. Fire involving Township buildings, grounds and/or property; and
- D. Fire or other emergency service performed outside the jurisdiction of the Township, unless the township and the other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a.
- E. Emergency Run Charges for services provided to residents of the Township, and for property owned by residents of the Township.

### **Section 6: Collection of Charges**

The Township may proceed in district court by suit to collect any monies remaining unpaid from a responsible party and shall have any and all other remedies provided by and subject to law for the collection of said charges. In addition, the Township may make claim for indemnity from any casualty or other insurance policy wherein the responsible party is an insured.

### **Section 7: Non-Exclusive Charge**

The foregoing rates and charges are not the only charges that may be made by the Township for the costs and expenses of providing fire protection and other emergency services. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or be a special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

### **Section 8: Multiple Property Protection**

When a particular fire protection or other emergency service rendered by the Township directly benefits more than one person or property, the owner of each property so benefited, and each person so benefited where property protection is not involved, is liable for the payment of the full charge for such service. The interpretation and application of this section is delegated to the Township Fire Chief, subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.

### **Section 9: Severability**

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

**Section 10: Effective Date**

This ordinance has immediate effect. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**PENALTY:**

A. Any person who violates any provision of this Ordinance shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars or by imprisonment for not more than ninety (90) days in jail, or both. Each day's failure of compliance with any provision of this Ordinance shall constitute a separate offense.

B. Legal proceedings to enjoin the violation of any of the provisions of this Ordinance may be brought in any court of competent jurisdiction in the name of the Township of Arbela. Such action shall be taken only as authorized by the Township Board.

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Arbela, County of Tuscola, State of Michigan at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2009 and ordered to be given publication in the manner prescribed by law.

We, Joseph B. White, Supervisor of the Township of Arbela, and Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Township Board at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Arbela Township - Supervisor

\_\_\_\_\_  
Arbela Township Clerk

	<u>YES</u>	<u>NO</u>
_____ Supervisor	_____	_____
_____ Clerk	_____	_____
_____ Treasurer	_____	_____
_____ Trustee	_____	_____
_____ Trustee	_____	_____

I, Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that the above  
Are the names of the members of the Township Board of the Township of Arbela  
voting on the above Ordinance and how said members voted.

\_\_\_\_\_  
Arbela Township Clerk

I, Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that a summary  
of the above Ordinance was published by insertion in Caro Publishing Inc., a  
newspaper within the Township of Arbela, on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Arbela Township Clerk