

**HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 80

**HEATH TOWNSHIP EMERGENCY
RESPONSE COST RECOVERY ORDINANCE**

Adopted: October 10, 2011

Effective: November 17, 2011

An ordinance to establish cost recovery charges for Township fire, police and emergency services and to provide for the collection therein pursuant to MCL 41.806a; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE HEATH TOWNSHIP BOARD

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

FINDINGS AND PURPOSE

Heath Township determines that there is a growing need for emergency response by Township personnel and equipment from the fire and police departments, ambulance services and other Township departments that respond to the scene of emergencies where the urgency requires immediate and sustained demand for such Township personnel, equipment and service. Pursuant to MCL 41.806a, a Township may authorize the collection of fees for these services.

SECTION II

DEFINITIONS

The following words or phrases are defined as stated herein:

Emergency response: means the dispatch, provision, or utilization of township personnel and/or equipment, including resultant enforcement and prosecution efforts, in emergency conditions, in any of the following:

1. The arrest, detention or incarceration of persons in violation of state laws or ordinances of the Township.
2. Emergency requests for life-support vehicles, equipment and/or personnel in the attendance or transport of persons to hospital or other medical facility even in circumstances where no actual medical emergency exists or whether or not a person was transported.
3. The use of police department or fire department vehicles, equipment or personnel at the scene of a utility emergency where Township personnel and/or equipment are required for public protection to the extent that the required use of personnel and/or equipment exceeds thirty (30) minutes from the time of the alarm.
4. The use of police or fire department vehicles, equipment or personnel in response to a false or prank "911" call where such call emanates from a ground phone or by a minor, the parent, guardian, person or entity in control of the premises or made without good cause.
5. The use of police or fire department vehicles, equipment or personnel, including the "Tech Rescue Team," at the scene of individual or common disasters such building collapse, cave-ins, water rescue and the like, caused by acts or omissions which carry a clearly foreseeable risk of such disasters.
6. The use of police or fire department vehicles, equipment or personnel, including the "SRT Team", at the scene of exigent conditions and circumstances, including but not limited to harboring of vicious animals, animal rescue, hostage/suicide events, and the like, caused by acts of omissions which carried a clearly foreseeable risk of such exigent conditions.

Expenses of an emergency response: means all direct cost of wages, vehicles and equipment and expendable items incurred by the Township, or a private person or corporation operating at the request or direction of the Township, when making an emergency response, and which expense are attributable to the emergency response.

Such costs shall include but are not limited to:

1. All personnel related costs and fees incurred by the Township as a result of responding to the incident. Such costs may include: the responding persons' wages, salaries and fringe benefits, overtime and pay-related fringe benefit

costs for hourly employees; and fire run fees paid to on-call emergency services personnel. Individual salaries shall be apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.

2. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Fire Department equipment which might be involved in such a response. The resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.
3. Additional charges imposed by any other local, state or federal government entities, related to the incident.
4. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures.

Person: means an individual, corporation, association, partnership or other legal entity.

SECTION III

COST RECOVERY CHARGES

Any recipient or beneficiary of any of the enumerated emergency services set forth herein rendered in Heath Township by or on behalf of the Hamilton Fire Department, its successor or any other Fire Department contracted to serve Heath Township, police, ambulance or other emergency services shall be responsible for payment to Heath Township of charges for the actual cost of providing such services in accordance with the provisions of this ordinance.

SECTION IV

COST OF RECOVERY SCHEDULE

The Township Board of Trustees shall, by resolution, adopt a schedule of the charges for wages of personnel, equipment and vehicle use, per hour, expendable items at replacement costs, administrative and supervisory expenses, per hour, and legal fees, which shall be applied prorata, in the calculation of the expense of an emergency response.

SECTION V

TIME FOR PAYMENT

It shall be the responsibility of the Township treasurer to send a bill to the recipient of fire, police or emergency protection services by first class mail as soon as practical after the services are rendered. In the case of a motor vehicle accident, the treasurer shall not attempt to determine fault but shall send a bill to any recipient of fire or emergency protective services. All of the foregoing charges shall be due and payable within 30 days of the date invoice is rendered. Failure by a person liable for the expenses of an emergency response to pay the expense of an emergency response, as submitted by the department head, or designated representative, within thirty (30) days of service thereof, shall render such matter in default. In the event of default in payment, the amount due shall be collectable through proceedings in district court or in any other court of competent jurisdiction as a matured debt. The Township Board may also order the assessment of all delinquent fire run bills to be levied against property owners determined to be delinquent.

SECTION VI

EXEMPTION

All federal, state, county, municipal and other public bodies shall be exempt from the foregoing charges. Included in such costs are administrative expenses, attorney fees, testing, preparation of reports and other costs directly attributable, or as a result of, the emergency response.

SECTION VII

SEVERABILITY, EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

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

This ordinance shall take effect thirty days after its publication following its adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

HEATH TOWNSHIP
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