

**FRENCHTOWN CHARTER TOWNSHIP
PUBLIC UTILITY AND EMERGENCY RESPONSE
COST RECOVERY ORDINANCE**

Ord. No. 205; Date of Adoption: December 9, 2003

An Ordinance to establish public safety, fire and public utility emergency response cost recovery within the Charter Township of Frenchtown.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Purpose.

In order to protect the Township from extraordinary expenses resulting from the utilization of Township resources in response to certain fire emergency, public safety and public utility incidents, this Ordinance authorizes the imposition of charges to recover actual costs incurred by the Township in responding to such incidents.

Section 2. Definitions.

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

Assessable Costs mean those costs for services incurred by the Township in connection with a response to a fire emergency or public safety incident or public utility interruption, including, but not limited to, the actual labor and material costs of the Township (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation including depreciation, costs of materials, costs of transportation, equipment, costs of material disposal and costs of contracted labor) whether or not the services are provided by the Township or by a third party on behalf of the Township; service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines or penalties to the Township imposed by any court or state or federal governmental entities.

Bomb threats mean 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.

Emergency assistance means emergency medical, public safety, police, fire, public utility and civil defense services provided by Frenchtown Charter Township.

False alarm means any automated or manual device designed to request or summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a false alarm. Provided, however, a false alarm shall not be deemed to have occurred if (i) caused by an act of God, i.e. lightning storm, (ii) it originates from a motor vehicle alarm system or (iii) has not occurred more frequently than two (2) times in a calendar month or three (3) times in a calendar year.

Illegal fire means a fire set or determined to have been set in violation of a federal, state or local law including but not limited to the Frenchtown Charter Township Outdoor Burning Regulation Ordinance and shall include an arson fire and a fire set in violation of a “no burning” ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, i.e. a lightning storm.

Motor vehicle means any self-propelled or towed vehicle designed or used on the public streets, roads and highway to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.

Public safety or fire emergency incident means (i) excessive requests for emergency assistance, (ii) a false alarm, (iii) an illegal fire, (iv) bomb threats, (v) threats of harm to oneself or others, (vi) a structure demolition, or (vii) a utility line failure.

Responsible party means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.

Structure demolition means the tearing down of a structure damaged by fire which must in the opinion of the fire chief or his or her designee be promptly demolished following the fire to protect public safety.

Threats of harm to oneself or others mean the verbal or written threat of physical harm to oneself or another or another’s property which if carried out would be a violation of federal, state or local law.

Utility line failure means the disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, natural gas, communication or electronic signals (including, but not limited to telephone, computer, cable television and stereo signals or electronic impulses), water, sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to repair or correct such failure.

Amended May 23, 2006 by Ordinance No. 205-1.

Section 3. Cost Recovery Authorization and Procedure.

(a) The Township may recover from any or all responsible parties jointly or severally, all assessable costs in connection with responses to public safety or fire emergency incidents and for the provision of emergency assistance and non-emergency assistance when requested.

(b) The Township Fire Chief or his or her designee shall determine the total assessable costs and shall in consultation with the Township Supervisor determine whether to

assess any, all or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:

- (1) the total assessable costs;
- (2) the risk the public safety or fire emergency incident imposed on the Township its residents and their property;
- (3) whether there was any injury or damage to person or property;
- (4) whether the public safety or fire emergency incident required evacuation;
- (5) the extent the public safety or fire emergency incident required an unusual or extraordinary use of the Township personnel and equipment; and
- (6) whether there was any damage to the environment.

(c) After consideration of the factors in (b) immediately above, the Supervisor and Fire Chief may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefore or is legally at fault.

(d) If the Supervisor and Fire Chief determines not to assess all or a part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

(e) The Township Board may by resolution adopt a schedule of the costs included as assessable costs. The schedule shall be available at the office of the Township Clerk for inspection by the public during regular business hours.

Amended May 23, 2006 by Ordinance No. 205-1.

Section 4. Billing and Collection of Assessable Costs.

After determining to assess assessable costs against a responsible party, the Township Supervisor and Fire Chief shall mail an itemized invoice to the responsible party at its last known address. Such invoice shall be due and payable within thirty (30) days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent (1%) per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid.

Any responsible party who fails to pay the costs assessed pursuant to this Ordinance within thirty (30) days of the date of the statement shall be considered in default. In the case of a default, the Township may authorize the Township Attorney to commence a civil action to recover the costs plus the late payment penalty of one (1%) percent per month during

which the costs remain unpaid together with its attorney fees and any other costs allowed by law. All of the charges imposed pursuant to this Ordinance shall be collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt. The Township may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

Section 5. Remedies.

The Township shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.

Section 6. No Limitation of Liability.

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.

Section 7. Non-Exclusive Charge.

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected and/or continue to be collected by the Township through general taxation as permitted by law or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses as permitted by law.

Section 8. Severability.

Should any provision or part of this article be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provision or part which shall remain in full force and effect.

Section 9. Publication.

This Ordinance shall be published in a newspaper of general circulation within the Charter Township of Frenchtown, Monroe County, Michigan.

Section 10. Effective Date.

This Ordinance shall become effective immediately after adoption and publication.

PURSUANT TO FRENCHTOWN CHARTER TOWNSHIP ORDINANCE NO. 205 AS AMENDED

Frenchtown Charter Township Fire Department Billing Rates
Adopted May 23, 2006

Level I Response: Minor vehicle accident response Base Fee of \$500.00 plus any patient care will be billed per patient transport

- Minimal involvement of fire department personnel
- Typically requires 60 minutes of time or less on the scene
- Clearing of road hazards

Level II Response: Moderate vehicle accident response Base Fee of \$750.00 plus any patient care will be billed per patient transport

- Minimal involvement of fire department personnel
- Typically requires 60 minutes of time or less on the scene
- Extrication involvement less than 1 hour
- Involves clean up of spills and debris

Level III Response: Public Safety incidents, fire emergency incidents, emergency assistance as defined in Frenchtown Charter Township Ordinance No. 205 as amended including but not limited to structure fires, false alarms, utility line failure, bomb threats, rescue calls, and vehicle accidents that require extended (over 1 hour) extrication, hazardous materials, or any situation requiring fire department personnel:

- Requires response of multiple engine/truck companies or rescue vehicles
- Victim entrapment with heavy rescue and extended extraction operations
- Requires over 1 hour of time on scene
- Removing or mitigating hazardous material incidents
- A working fire

Level III Response Fees

All rates shall be charged at a 2 hour minimum, then per hour

<u>Equipment</u>	<u>Rate</u>
Fire Department Engine	\$315/hr
Fire Department Ladder/Platform Aerial	\$630/hr
Fire Investigation Vehicle	\$105/hr
Command Vehicle	\$105/hr
Ambulance/Rescue Vehicle	\$160/hr
Utility Vehicle	\$105/hr
Heavy Equipment/Rented	\$ Cost plus 10%
Specialty Equipment	\$ 105/hr
Township owned/rented warming/cooling shelters	\$ Cost plus 10%

Materials/Supplies	\$ Cost plus 10%
Extrication	\$250/hr

Personnel Utilized At Incident

Fire Fighters	\$ 50/hr
Command Officers	\$ 60/hr
Technician Trained Personnel	\$ 70/hr
Specialist Trained Personnel	\$ 80/hr
Miscellaneous Personnel (other)	Cost plus 10%
Outside Contractors	Cost plus 10%
Personnel/Equipment/Disposal (Towing, Hazardous Material Cleanup, etc.)	Cost plus 10%

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