

ALAMO TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 45-M

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF FEES FOR THE PROVIDING OF EMERGENCY FIRE SERVICES IN CERTAIN SITUATIONS, PURSUANT TO MCL 41.806(a); TO SET THE PROCEDURE FOR THE ESTABLISHMENT AND COLLECTION OF FEES AND TO REPEAL ALL ORDINANCES INCONSISTENT THEREWITH.

WHEREAS, the Alamo Township Board finds that in certain situations, including, but not limited to, storms and other unusual events, where a utility or a public or private entity requests emergency fire services specifically benefiting the utility, private entity or public entity and where fairness and equity demands that the utility or public or private entity pay for the cost of those services; and

WHEREAS, the Alamo Township Board finds that it is equitable to collect the costs directly from those requesting emergency fire services..

WHEREAS, the Alamo Township Board finds that there are certain situations where the resources of the Alamo Township Fire Department are used disproportionately for the benefit others than residents and taxpayers of Alamo Township in situations where fairness and equity demand that the person or persons responsible, not the taxpayers of the Township as a whole, pay for the costs of Fire Department response; and

WHEREAS, the Alamo Township Board finds that it is equitable to collect the costs directly in the situations set forth herein, which serves the health, safety and welfare of the Township and its residents.

NOW, THEREFORE, ALAMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, ORDAINS:

ARTICLE I
TITLE

This Ordinance shall be known and cited as the Alamo Township Fire Department Response Costs Recovery Ordinance.

ARTICLE II
DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the prescribed meaning:

- a. *Accident* means any vehicular collision or event occurring on U.S. 131 in or near Alamo Township including, but not limited to, personal injury, vehicular property damage, damage to the roadway and appurtenances and/or medical emergency.
- b. *Fire Department* means the Alamo Township Fire Department.
- c. *Response/Responding* shall mean arriving at the scene of an accident, fire or any suspected criminal activity but not actually providing emergency medical, extrication or fire suppression services.
- d. *Responsible Party* means any individual, firm, corporation, sole proprietorship, partnership, public or private entity, utility, group or organization. The responsible party for an accident shall include the owner, driver and any co-owners of any vehicle involved, irrespective of whether criminal charges or civil infraction citations are issued. In the event of an arson or any other suspected criminal activity, the responsible parties are the owner, occupants and co-owners, if any, of the premises to which the Alamo Township Fire Department responds. In the event that a responsible party requests emergency fire services, the responsible party shall be the utility or public or private entity requesting such services.
- e. *Services* means any providing of any emergency medical, extrication, fire, safety, protection services or similar activities provided, but shall not include simply responding to an accident.
- f. *Suspected Criminal Activity* means any event for which a law enforcement agency specifically requests the Alamo Township Fire Department to respond and/or provide services where the law enforcement agency is investigating a crime or when the State Police Fire Marshal determines that a fire has been caused by arson, irrespective of whether a person is convicted of arson.
- g. *U.S. 131* shall mean the highway known and referred to as U.S. 131 within or near Alamo Township to which the Alamo Township Fire Department responds.
- h. *Vehicle* shall mean any motor vehicle as defined by MCL 257.33 or any motorcycle as defined by MCL 257.31.

ARTICLE III
CHARGES FOR ACCIDENTS

Where the Alamo Township Fire Department personnel and equipment responds to

an accident on U.S. 131 and provides services, the responsible party or parties shall be liable to the Township for the costs of such services as set forth hereinafter.

ARTICLE IV
CHARGES FOR ARSON OR ANY SUSPECTED CRIMINAL ACTIVITY

Where the Alamo Township Fire Department personnel and equipment responds to any suspected criminal activity or fire later determined by the State Police Fire Marshal's Office to be arson, the responsible party or parties shall be liable to the Township for the costs of response as set forth hereinafter.

- (a) Where a utility, public or private entity requests the Alamo Township Fire Department to provide services, the responsible party or parties shall be liable to the Township for the costs of response as set forth hereinafter.

ARTICLE V
CHARGES IMPOSED UPON A RESPONSIBLE PARTY OR PARTIES

Where a responsible party or parties is liable to the Township for response and/or services provided, the charges for which the responsible party or parties is liable shall include the following:

- a. The cost of all Fire Department personnel responding, including their currently hourly wage rate, salary/per run fee and fringe benefits, apportioned to the length of time in attendance, calculated commencing one hour after receipt of the request to respond and continuing until each Fire Department member has concluded his or her duties related thereto.
- b. The cost of all equipment attending as determined by the Township Board for the providing of that equipment.
- c. All other expenses incurred by the Township in responding and/or providing services including, but not limited to, the rental of any necessary additional equipment, equipment cleaning costs, replacement costs of equipment which cannot thereafter be used because of the response and/or services and any other necessary related expenses.
- d. Any other expenses or charges incurred by the Township imposed by any other local, state or federal governmental entities.
- e. Administrative costs incurred in accounting, billing and collection.

These charges shall be established and, from time-to-time, amended by the Township Board by Resolution.

ARTICLE VI
BILLING, PAYMENT/APPEALS

Following a response and/or services for which a party or parties are responsible to the Township, the Fire Chief shall submit a detailed listing of all known expenses to the Township Clerk. The Township Clerk shall prepare and send a bill by first-class mail to the responsible party as soon as practicable thereafter. The responsible party shall make full payment within 30 days of the date of the mailing of the bill. Any additional expenses that become subsequently known following the transmittal of the bill shall be billed in the same manner as a supplemental bill and payable within 30 days of mailing thereafter. Where an incident involves more than one responsible party, all such parties shall be jointly and severally liable for the full amounts. For any amount due and owing and unpaid after 30 days of mailing, the Township shall impose a late charge of 1% per month or fraction thereof.

Any person receiving a bill may appeal to the Township Board, within the time limits for payment, and to what extent that individual is responsible for payment.

ARTICLE VII
NON-EXCLUSIVITY

The charges set forth herein shall not be inclusive of any other charges that may be made by the Township for the cost and expense of maintaining fire protection and other emergency services and shall be supplemental thereto. Charges may additionally be collected by the Township through taxation, special assessments or any other manner permitted by law.

ARTICLE VIII
FAILURE TO PAY; PROCEDURE TO RECOVER COSTS

The charges incurred for responding to any fire or suspected criminal activity which remain unpaid after 30 days of mailing shall be a lien against the premises to which the Fire Department responded and shall be collectible in the same manner as real property taxes.

ARTICLE IX
NON-EXCLUSIVITY OF REMEDIES

In addition to the remedies set forth hereinabove, the Township may pursue any and all other remedies permitted by law to collect the charges referenced herein. If the Township is required to institute suit to collect these charges and is successful in obtaining a Judgment against the responsible party or parties, that Judgment shall include interest at the statutory rate, costs of litigation and actual attorney's fees incurred by the Township.

ARTICLE X
REPEALER

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE XI
SEVERABILITY

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE XII
EFFECTIVE DATE

This Ordinance shall take force and effect on February 12, 2004.

CERTIFICATE

I, Kathy LaCount, Clerk for Alamo Township, do hereby certify that the foregoing Alamo Township Ordinance No. 45-M was adopted by the Township Board at a regular meeting held on January 12, 2004, and that the following is a record of the vote of the members of said Township Board on said Ordinance.

AYES: Feniger, LaCount, Vlietstra, Potter-Williams, Stoneburner

NAYS: None

ABSENT: None

ABSTAIN: None

Kathye LaCount
Township Clerk

Amended: April 22, 2008