

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 52

POLICE, FIRE AND RESCUE SERVICES INCIDENT COST RECOVERY ORDINANCE

An Ordinance to establish the basis for reimbursement of charges, costs and fees incurred by the Charter Township of Hampton for providing certain emergency police, fire and rescue services (excluding hazardous materials incidents) for non-residents on public and private roadways or private property within the Charter Township of Hampton; and to establish the basis for reimbursement of charges, costs and fees incurred by the Charter Township of Hampton for having to respond to false alarms with police, fire and rescue services; and to create and authorize the basis for imposition of liens against real property of recipients of emergency response services within the Charter Township of Hampton for such false alarms.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

Section 1.01 TITLE.

This Ordinance shall be known and may be cited as the "Charter Township of Hampton Police, Fire and Rescue Services Incident Cost Recovery Ordinance."

Section 2. PURPOSE.

Pursuant to authority granted by Michigan law, specifically Public Act 102 of 1990 [Compiled Law 41.806(a)], this Ordinance is adopted for the purpose of providing reimbursement to the Township

of Hampton for the costs and expenses of certain emergency responses within the Charter Township of Hampton.

Section 3. DEFINITIONS.

A. "Township" shall mean the Charter Township of Hampton, its Board of Trustees, Supervisor, and officers.

B. "Emergency response" shall mean providing, sending, or utilizing police, fire fighting, emergency medical services, rescue services, or related services, and personnel by the Township, or by any other municipality, corporation or individual operating at the request or direction of the Township, to an incident which threatens the health and/or safety of individuals within the Township, or which, directly or indirectly, threatens the public health, safety, welfare, or property within the Township. Such incidents shall include but are specifically not limited to, uncontrolled fires, unauthorized open burning, any hazardous condition which threatens life or property of residents of the Township of Hampton, investigation in connection with a fire, accident, or hazardous condition, medical rescue responses, or vehicle extrication efforts.

C. "Expenses of an emergency response" shall mean all charges, costs and fees incurred by the Township and individuals operating at the request or direction of the Township as a result of responding to an incident which threatens the health and/or safety of individuals within the Township, or which, directly or indirectly, threatens the public safety, welfare, or property

within the Township. These costs shall include reasonable charges for the use of fire and police equipment and vehicles, the salaries and wages of the Township personnel responding to, investigating, preparing reports concerning the incident, and reasonably related costs. The expense of an emergency response shall also include reasonable attorney fees and any costs incurred in collecting those charges, costs, and fees authorized by this Ordinance.

D. "Non-resident" shall mean any person who at the time and date of an emergency response, as defined herein, for whose benefit the response has been made by the Township, is not currently residing in, nor named on the current tax assessment role for, the Charter Township of Hampton.

E. "Alarm" is the giving, signaling, or transmitting to a public police station, fire station or company, 911 Central Dispatch, or to an officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that an emergency condition exists at or near the place indicated by the person giving, signaling or transmitting such information which requires an emergency response by the Township.

F. "False alarm" shall mean the deliberate reporting of an alarm for which no emergency response is required.

SECTION 4. LIABILITY FOR EXPENSES OF AN EMERGENCY RESPONSE.

A. **Non-resident responsibility:** Non-residents, because they do not support the maintenance of fire and police protection with the Township through taxation as residents by the Charter Township

of Hampton, shall be liable for the costs, fees, and expenses of emergency responses made on their behalf by the Township. The basis for this liability lies with the increased cost for the Township to provide such services and will assist the Township in reclaiming and recouping the costs of such service by these incidents which involve non-residents.

B. Liability for false alarms: Any person who shall deliberately cause to be made a false alarm in which the Township incurs the expenses of an emergency response, shall be liable for the costs of that response, as that cost is defined herein.

C. Cost recovery schedule: The Charter Township of Hampton Board of Trustees shall, by resolution, adopt a schedule of fees and costs included within the expenses of an emergency response. The schedule shall include an hourly rate for the use of Township police, fire and emergency equipment and motor vehicles, as well as an hourly wage schedule for police, fire and emergency personnel. This schedule shall be available to the public from the Township Clerk's office.

D. Payment for services: The Township shall issue a written bill to a non-resident for the expenses of the relevant emergency response, or to the perpetrator(s) of a false alarm requiring an emergency response, as soon as practical after the incident. The bill shall be due and payable within thirty (30) days from the date of the mailing.

SECTION 5. METHODS OF COLLECTION; PLACEMENT OF LIENS UPON PROPERTY LOCATED WITHIN THE TOWNSHIP.

The Township shall be empowered to maintain proceedings in any court of competent jurisdiction to collect the expenses of an emergency response, as a matured debt of the Township. Additionally, the Township shall be empowered to place a lien upon relevant property located within the Township for the amount of the charges, costs, and fees incurred through providing said emergency response, which lien shall be collected in the same fashion and manner as real property taxes are collected within the Township.

SECTION 6. SEVERABILITY CLAUSE.

The phrases, sentences, sections and provisions of this Ordinance are severable and a judicial finding that any portion hereof is unconstitutional or otherwise unenforceable, shall not detract from or affect the enforceability of the remainder of this Ordinance.

SECTION 7. CONFLICTING PROVISIONS REPEALED.

All other Township ordinances or parts of ordinances conflicting with any part of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication thereof in a newspaper circulating within the Township, subsequent to adoption by the Charter Township of Hampton Board of Trustees.