

**EMERGENCY SERVICES COST RECOVERY
FRANKENLUST TOWNSHIP, MICHIGAN**

ORDINANCE NO. 64-B

An ordinance to establish charges for certain emergency services under 1951 P.A. 33, as amended, (*MCL 41.801. et seq.*), to provide definitions, to provide procedures for payment and collection of such charges and to provide an appeal procedure for any party aggrieved by a charge.

THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN ORDAINS:

Sec. 1. SHORT TITLE.

This Ordinance shall be known as the Frankenlust Township Emergency Services Cost Recovery Ordinance.

Sec. 2. GENERAL PURPOSE.

This Ordinance is adopted in order to provide reimbursement to Frankenlust Township for a portion of the costs incurred by the Frankenlust Township Fire Department for certain emergency services provided within the Township limits.

Sec. 3. DEFINITIONS.

- A) **“Township”** shall mean the Township of Frankenlust, its Board of Trustees, Supervisor and officers.
- B) **“Emergency response”** shall mean providing, sending, or utilizing, through any means, 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 actually threatens or is believed to threaten, directly or indirectly, the health, safety, or welfare of individuals or property within the Township, or the public’s health, safety, or welfare, within the Township. Such incidents shall include but, are specifically not limited to, vehicular accidents and fires, vehicular extrication efforts, boating accidents, water rescues, or any accident involving any sort of vehicle or mode of transportation, medical rescue responses, or any hazardous condition which threatens the property or the life or liberty of individuals within the Township of Frankenlust and any investigation in connection with such fire, accident, or hazardous condition.
- 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 making an emergency response. These costs shall include reasonable charges for the use of fire equipment, vehicles 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.

(Amended by Ord. 64-D, eff. April 30, 2009)

D) **“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 work or otherwise, information to the effect that a condition exists at or near the place indicated by the person giving, signaling or transmitting such information, which is reasonably perceived to require an emergency response by the Township.

E) **“False alarm”** shall mean the reporting of an alarm for which no emergency response is required.

F) **“Run”** shall mean a call generated by 911 Central Dispatch and/or by the Frankenlust Township Fire Department personnel to 911 Central Dispatch.

(Amended by Ord. 64-D, eff. April 30, 2009)

Sec. 4. **CHARGES FOR CERTAIN RUNS.**

A fee as set forth in Section 5 of this Ordinance shall be charged in the following circumstances:

A) To any person, persons, or entity who receives, requires, necessitates or causes the use of fire department personnel or fire department equipment of Frankenlust Township for downed power, cable lines, etc.

(Amended by Ord. 64-D, eff. April 30, 2009)

B) To any person, persons, or entity that receives, requires, necessitates or causes the use of fire department personnel or fire department equipment of Frankenlust Township for any motor vehicle accident or for any fire originating in or involving a vehicle.

(Amended by Ord. 64-D, eff. April 30, 2009)

C) To any person, persons, or entity who receives, requires, necessitates or causes the use of fire department personnel or fire department equipment of Frankenlust Township for any fire.

(Amended by Ord. 64-D, eff. April 30, 2009)

D) To any person, persons, or entity that shall deliberately cause to make a false alarm with actual knowledge that no condition exists which requires an emergency response where the Township incurs the expenses of an emergency response. There shall be no liability for the costs of an emergency response to an alarm which is not deliberately caused to be made unless more than three (3)

such false alarms are received within a 365-day period of time, after which the Township may charge for the costs of any such emergency response made, in accordance with Section 5 of this ordinance.

(Amended by Ord. 64-D, eff. April 30, 2009)

Sec. 5. **CHARGES.**

The following fees shall be charged for the runs described above in Section 4.

A) For any run described above in paragraph A of Section 4 the following fees shall be charged: \$250 per hour, or fraction thereof for each additional hour required, in the opinion of the officer in command, that any firefighter or firefighters of the Frankenlust Township Fire Department is/are required to stand by as a result of downed power, cable line, etc. Nothing contained in this Subsection shall be construed to require payment in excess of \$250 per hour irrespective of the number of fire fighters required to stand by for a downed power, cable line, etc. See *Chart A below.*

(Amended by Ord. 64-D, eff. April 30, 2009)

B) For any run described above in paragraph B of Section 4 the following fees shall be charged: \$500 per hour, or fraction thereof for each additional hour required, for each vehicle that is involved in a motor vehicle accident or vehicle fire. See *Chart B below.*

(Amended by Ord. 64-D, eff. April 30, 2009)

C) For any run described above in paragraph C of Section 4 the following fees shall be charged: \$500 per hour for each fire vehicle required, in the opinion of the officer in command, to respond to either a house or structure fire, an aircraft fire, an unauthorized grass or brush fire and any unauthorized fire that has been determined to pose a public safety, health and welfare risk within the township. In addition, \$250 per hour, or fraction thereof for each additional hour required, in the opinion of the officer in command, that any firefighter or firefighters is/are required to respond to a structure fire within the township. Nothing contained in this Subsection shall be construed to require payment in excess of \$250 per hour irrespective of the number of fire fighters required in respond to a structure fire. See *Chart C below.*

(Amended by Ord. 64-D, eff. April 30, 2009)

D) For a deliberate false alarm with actual knowledge that no condition exists which requires an emergency response, an amount equal to the expenses of that emergency response which is included in Subsection C of Section 3, above. See *Chart C below.*

(Amended by Ord. 64-D, eff. April 30, 2009)

E) Subsections A), B), C) and D) above, shall charge a minimum for the first hour and each additional hour shall be charged a fraction of the first hour charge in 15 minute increments. See Charts A, B & C below.
 (Amended by Ord. 64-D, eff. April 30, 2009)

CHART A

**Initial charge of \$250.00
per hour**

*Downed Power, Cable
Lines, Etc.*

1 min	to	1 hr	\$250.00
1 hour	to	1 hr 15 min.	\$312.50
1 hr 16 min	to	1 hr 30 min	\$375.00
1 hr 31 min	to	1 hr 45 min	\$437.50
1 hr 46 min	to	2 hrs	\$500.00
2 hrs 1 min	to	2 hrs 15 min	\$562.50
2 hrs 16 min	to	2 hrs 30 min	\$625.00
2 hrs 31 min	to	2 hrs 45 min	\$687.50
2 hrs 46 min	to	3 hrs	\$750.00
3 hrs 1 min	to	3 hrs 15 min	\$812.50
3 hrs 16 min	to	3 hrs 30 min	\$875.00
3 hrs 31 min	to	3 hrs 45 min	\$937.50
3 hrs 46 min	to	4 hrs	\$1,000.00

CHART B

**Initial charge of
\$500.00**

Vehicle Incidents

1 min	to	1 hr	\$500.00
1 hour	to	1 hr 15 min.	\$625.00
1 hr 16 min	to	1 hr 30 min	\$750.00
1 hr 31 min	to	1 hr 45 min	\$875.00
1 hr 46 min	to	2 hrs	\$1,000.00

2 hrs 1 min	to	2 hrs 15 min	\$1,125.00
2 hrs 16 min	to	2 hrs 30 min	\$1,250.00
2 hrs 31 min	to	2 hrs 45 min	\$1,375.00
2 hrs 46 min	to	3 hrs	\$1,500.00
3 hrs 1 min	to	3 hrs 15 min	\$1,625.00
3 hrs 16 min	to	3 hrs 30 min	\$1,750.00
3 hrs 31 min	to	3 hrs 45 min	\$1,875.00
3 hrs 46 min	to	4 hrs	\$2,000.00

CHART C

Initial Charge

\$500.00

\$250 for 2nd hour

Any Fire

1 min	to	1 hr	\$500.00
1 hour	to	1 hr 15 min.	\$562.50
1 hr 16 min	to	1 hr 30 min	\$625.00
1 hr 31 min	to	1 hr 45 min	\$687.50
1 hr 46 min	to	2 hrs	\$750.00
2 hrs 1 min	to	2 hrs 15 min	\$812.50
2 hrs 16 min	to	2 hrs 30 min	\$875.00
2 hrs 31 min	to	2 hrs 45 min	\$937.50
2 hrs 46 min	to	3 hrs	\$1,000.00
3 hrs 1 min	to	3 hrs 15 min	\$1,062.50
3 hrs 16 min	to	3 hrs 30 min	\$1,125.00
3 hrs 31 min	to	3 hrs 45 min	\$1,187.50
3 hrs 46 min	to	4 hrs	\$1,250.00

(Amended by Ord. 64-D, eff. April 30, 2009)

Sec. 6. PAYMENT.

The Township Treasurer shall bill by first class mail with postage fully paid the person, persons or entity which received, required, necessitated or caused to be rendered the service and the bill shall be due and payable to the Township Treasurer within sixty (60) days of the mailing of said bill.

Sec. 7. APPEAL.

Any party aggrieved by a charge authorized in this Ordinance may appeal the charges as follows:

- A) Within the time period for which a bill is payable the party shall file a written request with the Township Clerk setting forth specific reasons why the charge is improper.

- B) The Clerk shall notify the aggrieved party, in writing, of the time, place, and date the Township Board will hold a hearing on the appeal.
- C) The Township Board may grant relief on appeal if it finds good cause and sufficient proof to satisfy the Township Board.
- D) The Township Board may extend the time for payment for a reasonable period of time but not to exceed one (1) year.

Sec. 8 METHOD OF COLLECTION.

Frankenlust Township shall be empowered to maintain proceedings in a court of competent jurisdiction to collect the charges authorized by this ordinance as a matured debt of the Township.

Sec. 9 NON-EXCULSIVE CHARGE.

The foregoing charges shall not be exclusive of the charges that may be made by the Township for the cost and expense of maintaining a fire department, but shall only be supplemental thereto. Additionally, charges may be collected by the Township, through general taxation by procedures provided by law or by special assessment. General Fund appropriations may also be made to cover such additional costs and expenses.

Sec. 10 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Sec. 11 ORDINANCE REPEALED.

Ordinance No. 64-B and all other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 12 USE OF FEES PAID OR COLLECTED.

Any and all fees paid or collected pursuant to this Ordinance shall be deposited in the Emergency Receiving Fund. All fees paid or collected pursuant to the Ordinance that are deposited in the Emergency Receiving Fund on an annual basis in the last month of the Township's fiscal year shall be designated for the Fire Department expenditures approved by the Frankenlust Township Board.

Sec. 13 EFFECTIVE DATE.

This Ordinance shall be effective the day following the date of publication and shall be published once in the Bay City Democrat, a newspaper circulating in Frankenlust Township, Bay County, Michigan, on or before the 30th day of April, 2009.
(Amended by Ord. 64-D, eff. April 30, 2009)