

EMERGENCY SERVICES COST RECOVERY ORDINANCE

TOWNSHIP OF KAWKAWLIN

COUNTY OF BAY, STATE OF MICHIGAN

ORDINANCE NUMBER: 2023-001

First Amendment to Ordinance Number: 2001-003

ADOPTED: July 10, 2023

EFFECTIVE: October 25, 2023

EMERGENCY SERVICES COST
RECOVERY ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF FEES FOR EMERGENCY MEDICAL AND FIRE SERVICES, PURSUANT TO MCL 41.806a.

THE TOWNSHIP OF KAWKAWLIN
BAY COUNTY, MICHIGAN ORDAINS:

Section 1
TITLE

This Ordinance shall be known and may be cited as the “Emergency Services Cost Recovery Ordinance”.

Section 2

STATEMENT OF PURPOSE

This Ordinance is created to ensure that the Township of Kawkawlin shall, to the extent permitted by law, recover the costs of an emergency response from the responsible party/parties.

Section 3

DEFINITIONS

As used in this Ordinance, the words and phrases listed below shall have the following meanings:

“Emergency response” shall mean any response by the Fire Department, entity operating at the request of the Fire Department, or any other responder as set forth in the National Incident Management System (Homeland Security Presidential Directive 5), to any call, including medical emergencies, for assistance from any person, property owner, government agency, emergency service provider, or other entity.

“Costs of the emergency response” shall mean the costs incurred in responding to an emergency event, except as may be limited by a policy adopted by the governing body. Costs include, labor, equipment usage, and materials associated with investigation, removal, repair, abatement, mitigation, monitoring, cleanup, analysis, collection costs and attorney fees.

“Person” shall mean any individual, partnership, corporation, limited liability corporation, association, consortium, governmental entity, or any other legal entity.

“Hazardous Materials Response” shall mean any response to an event involving any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any substance, compound, mixture, or material listed as hazardous under federal or state law or regulation.

Section 4

LIABILITY FOR EXPENSE OF EMERGENCY RESPONSE

A. Any owner, lessor, lessee, or operator of any property who is responsible for, or contributes to an emergency response shall be liable for the expense of the emergency response.

B. Any registered owner, lessor, lessee, or operator of any motor vehicle, the operation of

which results in an emergency response, shall be liable for the expense of the emergency response.

C. Any public or private utility whose activities or facilities necessitated an emergency response shall be liable for the expense of the emergency response.

D. Any person owning, maintaining, or operating a railroad shall be liable for the expense of the emergency response.

E. When an emergency response directly benefits more than one (1) person or property, each person and/or property benefited shall be jointly and severally liable for the payment of the expense of the emergency response. For purposes of an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response.

F. Cost recovery for any Hazardous Materials response may be pursued in a civil action, pursuant to the Natural Resource Environmental Protection Act (MCL 324.20135(1)(b)).

Section 5

COLLECTION AND BILLING OF EMERGENCY RESPONSE COSTS

Collection recovery costs incurred by the Fire Department, including billing and collections costs, court costs, and attorney fees, shall be assessed to a responsible party/parties who fail to remit reimbursement for the costs of the provided emergency services in accordance with the billing procedures of this Ordinance. Upon a determination of responsibility for an emergency response, the Fire Chief, or his/her designee, shall prepare and deliver an invoice of the charges imposed to the responsible party/parties for payment. The responsible party/parties shall reimburse the Fire Department, as directed by the invoice, for the charges set forth in the invoice within thirty (30) days. The responsible party/parties shall be liable for any costs associated with the collection of the unpaid balance that remains after the expiration of thirty (30) days.

Fire Response: \$450.00

Rescue Response: \$450.00

Fire Department Personnel: \$25.00 per hour/per person

Section 6

SEVERABILITY

If any subsection, 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 portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7

SAVINGS

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 8
REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 9
EFFECTIVE DATE

This Ordinance shall take effect following publication in the manner prescribed by law.

CERTIFICATION

I, Sherrie A. Kruse, as Clerk for the Township of Kawkawlin, Bay County, Michigan, hereby certify the following relative to the foregoing Ordinance:

- That the same was introduced by the Township of Kawkawlin Board on the 10th day of July, 2023.
- That the same was published in the Pinconning Journal newspaper circulated within the Township of Kawkawlin, Bay County, Michigan on the 25th day of October, 2023.
- That the same was adopted by the Township of Kawkawlin Board on the 10th day of July 2023.

Date: _____

SHERRIE A. KRUSE, Clerk

AUTHENICATION OF RECORD

WE, SAMUEL J. DAVIDSON, Supervisor, and SHERRIE A KRUSE, Clerk, for the Township of Kawkawlin, Bay County, Michigan, hereby authenticate the following relative to the foregoing Ordinance:

- That the same was adopted by the Township of Kawkawlin Board on the 10th day of July 2023.
- That the following members of the Township Board voted “yes” in favor of said Ordinance: Campbell; Davidson; DeShano; and Kruse.
- That the following members of the Township Board voted “no” against said Ordinance: None.
- That the following members of the Township Board were absent: Klass.

DATED this _____ day of _____ 2023.

SAMUEL J. DAVIDSON
Supervisor

SHERRIE A. KRUSE
Clerk