

SOUTH HAVEN CHARTER TOWNSHIP ORDINANCE NO.45

EMERGENCY SERVICES CHARGES ORDINANCE

Adopted: February 14, 1996

Effective: February 21, 1996

An Ordinance to establish charges for certain Township emergency services; to provide methods for the collection of such charges; to provide that same are not exclusive; to provide for charging all beneficiaries and to define beneficiaries; to provide for severability; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF SOUTH HAVEN

VAN BUREN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

PURPOSE

This Ordinance is adopted for the purpose of providing financial assistance to South Haven Charter Township to help defray the costs of providing certain specified types of fire protection and emergency ambulance services from those receiving direct benefits from those services, and to assure that the Township complies with its agreements with the South Haven Area Emergency Services Authority, all as authorized by Act No. 102 of the Public Acts of 1990, as amended, being MCLA 41.806a.

SECTION II

CHARGES

A recipient or beneficiary of any of the enumerated emergency services set forth herein rendered in South Haven Charter Township

for response, incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall include, but are not limited to:

- A. Fees established by resolution of the Township Board from time to time for each pumper, water tender or other emergency service vehicle required, in the opinion of the officer in command, to be utilized in responding to the incident.
- B. All personnel-related costs and fees incurred by the Authority and/or Township as a result of responding to the incident. Such costs and fees may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time emergency service personnel; overtime pay and related fringe benefit costs for hourly employees; and fees paid to on-call emergency service personnel.
- C. Other expenses incurred by the Authority and/or Township in responding to the incident, including but not limited to, rental or purchase of machinery or equipment; labor, consultants, legal and engineering fees; replacement costs related to disposable medical or personal protective equipment; extinguishing agents and supplies; water purchased from municipal water systems; and meals and refreshments for personnel while responding to the incident.
- D. Charges to the Authority or the Township imposed by any local, state or federal government entities related to the incident.
- E. Costs incurred in accounting for all incident-related expenditures, including billing and collection costs.

SECTION III

SERVICES FOR WHICH CHARGES ARE IMPOSED

The above-referenced charges shall be imposed for Authority and other Township services rendered in response to the following types of emergency incidents:

- A. Incident involving the actual or threatened release of hazardous materials. For purposes of this Ordinance, "hazardous materials" include, but are not limited to, a chemical that is a combustible liquid, inflammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.
- B. False alarms (i.e., an emergency services call to a site when no actual emergency exists)

emergency medical assistance, clean up and/or limiting access to the site.

- E. Incident involving a downed power line. Emergency service personnel-related charges for responses to this type of incident shall commence after the first hour the Authority or Township has responded to the incident and shall continue until all Authority or Township personnel have concluded incident-related responsibilities.
- F. Incident involving ambulance or emergency medical response.
- G. Incident involving fire extinguishment services.

SECTION IV

BILLING AND PAYMENT

Following the conclusion of the emergency incident, the Fire Chief or other person designated by Resolution of the Township Board shall submit a detailed listing of all known expenses to the Township Clerk or such other person designated by Resolution of the Township Board, who shall prepare an invoice to the responsible party for payment. The invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain after thirty (30) days, there shall be imposed a late charge of one percent (1%) per month, or fraction thereof.

SECTION V

NON-EXCLUSIVE CHARGE

The foregoing charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining the Authority and/or contracting for fire protection or emergency services (including ambulance services) but shall only be

SECTION VI

MULTIPLE BENEFICIARIES

When a particular emergency service of the type enumerated in Section III benefits more than one person or property, the owner of each property so benefitted, and each person so benefitted, shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Authority subject only to appeal, within the time limits for payment, to the South Haven Charter Township Board and shall be administered so that charges shall only be collected from the beneficiary(ies) of the service. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that (1) caused the incident requiring services, (2) is an owner and/or occupant or party in control of property from which the materials involved in the incident were released or spilled, (3) is the owner or lessee of the vehicle or trailer from which the materials involved in the incident were released or spilled, (4) is the owner of the materials involved in the incident that were released or spilled, (5) in the case of an incident involving a false alarm call, the owner or lessee of the property which was the subject of the call, (6) in the case of an incident involving a downed airplane, the owner or lessee of the airplane, (7) in the case of an incident involving a downed power line, the owner of the power line, (8) in the case of ambulance or other emergency medical services, is the person who received the services, or the guardian, parent, or other individual financially responsible for such person.

SECTION VII

enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect upon publication after adoption.

All Ordinances or parts of Ordinances in conflict herewith are repealed.

Eleanor Zacsek, Clerk
South Haven Charter Township
Adopted February 14, 1996
Published; February 21, 1996

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