

No. 11-01

PINCONNING TOWNSHIP

EMERGENCY RESPONSE

FIRE CHARGES ORDINANCE

AN ORDINANCE TO ESTABLISH CHARGES FOR CERTAIN FIRE DEPARTMENT EMERGENCY RUNS WITHIN THE TOWNSHIP OF PINCONNING, AND TO PROVIDE FOR THE ESTABLISHMENT OF FEES AND COLLECTION OF AND FOR SUCH CHARGES.

THE TOWNSHIP OF PINCONNING, COUNTY OF BAY, STATE OF MICHIGAN ORDAINS

SECTION 1: PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the Township in the operational cost of the Pinconning Township's portion of the Pinconning Fraser Fire Department, regarding certain emergency responses made within the Township of Pinconning. It is the further purpose of the within Ordinance to provide reimbursement to Pinconning Township for cost incurred by the Township for certain emergency runs

SECTION 2: CHARGES FOR CERTAIN RUNS.

Charges for certain runs. Any person or persons starting, initiating or originating a fire, any person or persons initiating or originating a spill and or release of a Hazardous Material, and or person or persons involved in a motor vehicle accident within the Township, which requires or necessitates the use of the fire fighting personnel and or equipment in Pinconning Fraser Fire District shall be charged for actual expense of the dispatching or personnel and equipment for the purpose of mitigating the emergency situation, under the following circumstances:

- A. Any motor vehicle accident and or fire originating in or involving a motor vehicle, trailers, items of personal property or other vehicle being transported or moved on all public and private roadways and thoroughfares located within the Township of Pinconning, that is owned by persons who are not residents of the Pinconning Fraser Fire District.
- B. Any fire set for which the person has not obtained the proper permits as required by the Township of Pinconning or State of Michigan.
- C. All fires which become uncontrolled or any fire using tires or tar based materials
- D. Any spills or released of hazardous material. A fire or involving a motor vehicle, motor transport vehicle and or fixed site facility.
- E. ***Expenses of an "emergency response" shall mean all cost 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 public safety, welfare or property within the township, including the release or threatened release of a hazardous material. These costs shall include reasonable charges for the use of fire equipment and vehicles, fire fighting and containment materials used at the scene of the incident, the salaries and wages of the township personnel responding to, investigating, preparing reports concerning the incident and reasonably related costs. These costs shall also include charges for any disposable supplies and materials used during the incident, the rental or leasing of any special equipment, the replacement the replacement cost of any township supplies and equipment damaged, lost or destroyed as a result of the incident, reimbursement for***

any special consulting and technical services, laboratory cost and any cost associated with the preparation for or actual evolution of the area surrounding the incident. The expense of an emergency response shall also include reasonable attorney fees and any cost incurred in collecting those charges, cost and fees authorized by this ordinance.

F. Any response for any wires or gas leaks for Public Service Utilities. (Stand-by)

For the purpose of this ordinance the definition of a Hazardous Material shall be as defined by the United States Department of Transportation as one that poses an unreasonable risk to the health and safety of operating or emergency personnel, the public and or the environment if not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal or transportation.

SECTION 3: LIABILITY FOR EXPENSES OF AN EMERGENCY RESPONSE:

- A. ***Responsibilities Defined: The property owner, owners, occupant or operator of real or personal property in the township are each individually liable to the township for expenses of an emergency response. The property owner remains liable for reimbursing the township for any cost incurred in response to an incident involving his / its property even though the owner has by agreement, imposed on the operator the duty to guard against, insure against or indemnify him from any of the charges, cost or fees encompassed by this ordinance.***
- B. ***Cost Recovery Schedule: The Pinconning 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 emergency and fire 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's clerk's offices.***

SECTION 4: EXEMPTIONS

The following circumstances are exempt from charges under this ordinance:

- A. Any emergency which occurs on property owned, maintained and or used by Township including all buildings, grounds and other personal property.
- B. False Alarms
- C. Fires caused by railroads trains which are the specific statutory responsibility of railroad companies.
- D. Fire service performed outside the jurisdiction of the township/city under a mutual aid contract with an adjoining municipality.

SECTION 5: PAYMENT FOR SERVICES

The Township Treasurer or ***designated*** by the Township shall bill the persons involved, starting, initiating or originating, or the owner or owners of the property, for actual expenses incurred by the township. Payment on said bill shall be due and payable within Thirty (30) days of the postmark of such statement.

SECTION 6: LIEN UPON PROPERTY LOCATED WITHIN THE TOWNSHIP

Upon the failure of the owner, occupant or operator to reimburse the township for expenses of the emergency response, a lien shall be placed upon the relevant property for the amount of said expenses, which lien shall be collected in the same fashion and manner as real property taxes are collected within the township.

No. 11-01

EMERGENCY RESPONSE COST RECOVERY ORDINANCE RESOLUTION

ADOPTED 4-1-2011

AMENDED _____

Whereas, the Township of Pinconning Board has the responsibility for financial and operational oversight of the Pinconning Fraser Fire Department, and;

Whereas, the Township of Pinconning has the authority granted by state law to enact ordinances that establish the requirements for recovery of cost associated with the response of the Pinconning Fraser Fire Department;

Therefore be it resolved, that the following schedule of cost be established for the use in the recovery of cost associated with response of the Pinconning Fraser Fire Department, when covered by ordinance of Pinconning Township, and that this schedule is subject to change annually.

Equipment Charges and fees shall be determined as follows:

$$X = \frac{\text{Cost}}{\$ 1,000.00} \times \$ 0.50$$

Hourly Rates for Pinconning Fraser Fire Department Equipment & Vehicles

Engine 16..... \$182.50 / per hour

Tanker Pumper..... \$ 175.00/ per hour

North Ariel \$ 275.00 / per hour

Rescue 15 \$ 32.50 / per hour

Rescue 16 \$ 17.50 / per hour

DNR & Brush Trucks\$ 17.50 / per hour

All vehicles utilized will be charged for a minimum of one hour, and all use beyond one hour will be rounded up to the next full hour.

Response to " motor vehicle accident" will be charged a flat fee of \$250.00, plus personal and administrative fee. This does not apply to "In" fire district residents who would not be charged for response.

All supplies used will be charged at the replacement cost, plus any applicable shipping charges associated with the replacement of supplies.

All personnel cost and associated cost (i.e.; FICA, Workers Comp, Medicare etc) will be charged at the current rate paid to firefighters at the time of the emergency response.

For the purposes of this Ordinance, any reference to fire department shall mean the Pinconning Fraser Fire Department which is operated by the following units of government. Pinconning Township, City of Pinconning and Fraser Township pursuant to agreement authorized by Michigan Public Act 33 of 1951 as thereafter amended.

SECTION 7: METHOD OF COLLECTION:

The township may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

SECTION 8: NON-EXCLUSIVE CHARGES.

The foregoing rates and charges shall not be exclusive to the charges that may be made by the Township for the cost and expensive of maintaining a fire department, but shall only supplement thereto. Charges may additionally be collected by the Township through general taxation AFTER a vote of the electorate approving the same or by a special assessment established under the Michigan statues pertinent thereto. General fund appropriations may also be made to cover such costs and expenses.

SECTION 9: MULTIPLE PROPERTY PROTECTION.

When a particular service rendered in Pinconning Township that directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charges for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Pinconning Fraser Fire Chief subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.

SECTION 10: CONFLICTING PROVISIONS REPEALED:

- A. ***All other township ordinances or parts of ordinances conflicting with any of this ordinance are, to the extent of such conflict, hereby repealed.***

SECTION 10: EFFECTIVE DATE.

- A. ***This ordinance shall take effect 30 days after publication thereof in a newspaper circulating within the township.***

Adopted at a regularly scheduled meeting of the Township of Pinconning Board of
trustees held at the Pinconning Township Hall on the 11th day of
January, 2011,
2010, present and voting.

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Kusterer
Holbrook
Latrumbise

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