

Ordinance 209a was adopted on the 20<sup>th</sup> day of June, 2011, copies of the complete ordinance are available for inspection or purchase at the Township Hall of the Charter Township of Port Huron, 3800 Lapeer Rd., Port Huron, MI 48060 (810) 987-6600 during regular posted hours. A complete copy may be also reviewed on our website at [www.porthurontownship.org](http://www.porthurontownship.org)

**Port Huron Charter Township  
Cost Recovery Ordinance**

**Ordinance # 209a**

An amendment to the Code of Ordinances, Chapter 18, fire Prevention and Protection, by the addition of a new Article IV. Cost Recovery, to establish charges for fire department services under Michigan Compiled Law 41.806(a) and to provide methods for collection of such charges and exemptions from such charges.

The Charter Township of Port Huron, St. Clair County, State of Michigan, ordains:

**SECTION 1: TITLE**

This Ordinance shall be know and cited as the Charter Township of Port Huron “Cost Recovery” Ordinance. (Code of Ordinances: Chapter 18 FIRE PREVENTION AND PROTECTION, Article IV. Cost Recovery).

**SECTION 2: PURPOSE OF THIS ARTICLE** (Section 18:80)

The purpose of this article is to allow the Charter Township of Port Huron to recover from Responsible Parties those Assessable Costs incurred in connection with providing fire protection and other emergency services and to provide for the enforcement of this article.

**SECTION 3: RESPONSIBLE PARTIES; CHARGES** (Section 18:81)

The Township shall bill Assessable Costs to those parties determined by the Charter Township of Port Huron Fire Chief to be responsible for the need to provide services by or through the Charter Township of Port Huron.

Responsible Parties shall include, but shall not be limited to, all natural persons, estates, corporations, entities, or other parties, who cause the need for the provision of service by the Township which gives rise to Assessable Costs as set forth in the Schedule of Assessable Costs as adopted by resolution of the Charter Township of Port Huron Board of Trustees from time to time. Any party determined by the Fire Chief to be a Responsible Party for such services shall be liable for the full payment for such services rendered.

A party is a Responsible Party regardless of whether the recipient of emergency police or fire services acknowledges the need for such services and whether or not the Responsible Party is criminally prosecuted or civilly sued

Parents and or guardians shall be responsible for the payment for Assessable Costs incurred as a result of such conduct by their minor children or wards.

**SECTION 4: SERVICES GIVING RISE TO ASSESSABLE COSTS** (Section 18:82)

Assessable Costs shall be those associated with the Schedule of Services Giving Rise to Assessable Costs, as set forth in this Ordinance or as adopted from time to time by the Township Board. All parties determined by the Fire Chief to be Responsible Parties shall be jointly and severally assessed for Assessable Costs incurred by the Township which shall include, but not be limited to, materials, equipment, manpower, administration, and assistance within the fire department, from other departments of the Township, or outside sources or contractors, injuries or damages to people or property which result from the situation which caused the Township to provide fire protection and other emergency services and any other factors deemed relevant by the Township Board.

**SERVICES GIVING RISES TO ASSESSABLE COSTS INCLUDE:**

- (a) Costs incurred to halt, abate, or remedy any spill, containment, or release of any hazardous materials and any liabilities resulting from such.
- (b) Extraordinary costs incurred to extinguish or fight a fire including, but not limited to, overhauling equipment, fire extinguishers and foam.
- (c) Any demolition costs if a structure must be demolished to protect public safety following a fire, and any liabilities resulting from such.
- (d) Costs incurred in connection with a utility line or facility failure or problem and any liabilities resulting from such.
- (e) Costs incurred in connection with any water, ice, confined space, trench, high angle, or technical rescue or recovery.
- (f) Costs associated with any motor vehicle accident, extrication of individuals from a vehicle or motor vehicle fire, including but not limited to spill cleanup; foam; fire extinguishers; and any liabilities resulting therefrom.
- (g) Costs associated with fraudulent requests for emergency assistance, including but not limited to intentionally dishonest and/or prank calls and requests for response made under false pretenses.
- (h) Costs associated with false alarms in excess of three (3) times in any three hundred sixty five (365) day period.
- (i) Any Assessable Costs, including litigation expenses, which become known to the Township following the transmittal of a statement to the Responsible Party pursuant this article, which shall be billed in the same manner on a subsequent statement to the Responsible Party.
- (j) Costs associated with department response and operations at scenes resulting from activities that violate state, federal, or local laws or ordinances including but not limited to: illegal dumping of waste, arson, use of illegal fireworks, response required because of conduct or activities of a Responsible Party who is under the influence of intoxicating substances, such as operating a motor vehicle under the influence of intoxicants and/or illegal drugs.
- (k) Costs associated with use of departmental equipment and personnel for the furtherance of private enterprise, a private business or for-profit corporation.
- (l) Costs incurred in connection with responsible parties' willful obstruction or delay in any emergency services in the enforcement of any rule or regulation pursuant to this article.
- (M) Costs associated with any motor vehicle accident resulting from careless or reckless driving.
- (n) Costs incurred in connection with or as a result of gross negligence.
- (o) Other services and responses by the fire department as determined to be Assessable Costs by resolution of the Township Board.

**SECTION 5: PAYMENT OF ASSESSABLE COSTS:** (Section 18:83)

Rates and guidelines for charges and Assessable Costs shall be set by resolution of the Township Board. All costs assessed pursuant to this article shall become due within fifteen (15) calendar days of the date of the statement, unless an appeal is pending.

**SECTION 6: INTERPRETATION** (Section 18:84)

The Fire Chief shall have the right to render formal interpretations of provisions of this article, including what constitutes “extraordinary costs.” Any such interpretation shall be binding unless any such interpretation is overturned or modified by a timely appeal to the Township Board pursuant to the right to an appeal as set forth herein below.

**SECTION 7: APPLICABILITY OF CHARGES REGARDLESS OF OUTCOME** (Section 18:85)

The Assessable Costs and charges under this article shall be applicable regardless of the result or outcome of services provided by or through the Township with regard to the particular fire, rescue services, or other emergency involved.

**SECTION 8: ADDITIONAL REMEDIES** (Section 18:86)

The Assessable Costs and charges specified by this article are intended to reimburse the Township for its reasonable costs and expenses incurred, and are not penal in nature.

**SECTION 9: RIGHT TO APPEAL** (Section 18:87)

Any Responsible Party who receives a statement of costs assessed pursuant to this article shall have the opportunity to appeal the assessment of costs to the Township Board. The Township Board may adopt policies, forms, payment scheduled, or other formal procedures regarding the right to appeal, by resolution from time to time. The Responsible Party who wishes to appeal any Assessable Costs shall file a written appeal with reasons for assessed costs, in conformance with such procedures. The appeal will stay all payments due until the appeal is decided by the Township Board. The appeal will be placed on the agenda of the next regularly scheduled or special Township Board meeting. The Township Board will consider the request, and make a determination regarding the Assessable Costs in the case appealed. The Township Board will also determine the date that any or all accessible costs involved in the appeal will become due. Any appeal must be submitted within thirty (30) days of the date of invoice.

**SECTION 10: EXEMPTIONS** (Section 18:88)

No Assessable Costs for emergency service shall be charged to:

- (a) A resident of the Township;
- (b) A business whose principal place of business is in the Township; or
- (d) An entity that contributes to the Port Huron Charter Township fire millage.

Unless such individuals cause the Township to provide emergency police or fire services due to his or her own criminal action, gross negligence, or as the result of their reckless or careless operation of a motor vehicle.

**SECTION 11: COLLECTION OF CHARGES** (Section 18:89)

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 12: NON-EXCLUSIVE CHARGES** (Section 18:90)

The forgoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a fire department, but shall only be

supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving same or by a special assessment established under Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

**SECTION 13: SEVERABILITY (Section 18:52)**

Should any provision or part of the Ordinance within be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

The above Ordinance was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_, the vote being as follows:

YEAS:

NAYS:

ABSTAIN/ABSENT:

ORDINANCE DECLARED ADOPTED:

\_\_\_\_\_  
By: Benita Davis, Township Clerk  
Charter Township of Port Huron

**CERTIFICATION**

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on \_\_\_\_\_, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

Dated: \_\_\_\_\_

\_\_\_\_\_  
By: Benita Davis, Township Clerk  
Charter Township of Port Huron