

CITY OF IMLAY CITY

EMERGENCY FIRE AND POLICE COST RECOVERY ORDINANCE

CHAPTER 156 – EMERGENCY FIRE AND POLICE COST RECOVERY


ORDINANCE NO. 156

An ordinance adopted to protect the health, safety, and welfare of the people of the city by establishing requirements for emergency fire and police cost recovery.

THE CITY OF IMLAY CITY ORDAINS:

That the City of Imlay City hereby adopts Chapter 156 of the Code of Ordinances (consisting of Sections 156.01 through 156.07) for the City of Imlay City as provided in “EXHIBIT A” and which is hereby incorporated into the Code of Ordinances as though fully and completely recited herein.

The undersigned Mayor and Clerk of the City of Imlay City hereby certify that this Ordinance was duly adopted by the Imlay City Commission on the 6th day of July 2021 and was published in the Tri-City Times on the 14th day of July 2021. This Ordinance shall take effect upon said date of publication.



Joi Kempf, Mayor



Dawn Sawicki-Franz, Clerk

First Reading: 06/15/2021
Second Reading: 07/06/2021
Date of Publication: 07/14/2021

EXHIBIT A

CHAPTER 156 – EMERGENCY FIRE AND POLICE COST RECOVERY

§ 156.01 PURPOSE.

The purpose of Chapter 156 is to protect the health, safety, and welfare of the people of the City by establishing requirements for emergency fire and police cost recovery from:

(A) those responsible for (either intentionally, accidentally or as a result of actions by others) or owning and/or controlling property affected by, the leaking, spilling, releasing or allowing certain hazardous substances or materials to escape containment, or for damaged and/or downed power lines, electrical service lines, gas mains, gas service conduits, water mains, sanitary sewer mains, storm sewer mains, occupancy leads, telephone lines, cable television lines, traffic signals or signs; thereby requiring the City and/or its agents, to provide emergency containment, repair, cleaning, and/or disposal of hazardous substances or materials, or for the securing and prudent monitoring of the site of an accident or natural disaster, including but not limited to those involving the public or private utilities.

(B) Those responsible for (either intentionally, accidentally or as a result of actions by others) or owning or controlling property affected by or involved in an emergency incident including but not limited to bomb threats, vehicle fires, illegal fires, extraction from vehicles involved in accidents, and accident-related clean-up.

(Ord. 156.01, passed 07/06/2021)

§ 156.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACCIDENT (INCLUDING NATURAL DISASTER). An unforeseen or unexpected happening or occurrence, which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the City, and/or the agents of the City, to reduce the potential for such damage, but not including emergency incidents.

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BOMB THREAT. The verbal or written threat of a bomb or other explosive device which if discharged as threatened would:

1. Violate a federal, state, or local law, or
2. Cause property damage and/or personal injury or death.

DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS. Any substance (including but not limited to gases or vapors) which if spilled, leaked, or other released from its container, is dangerous or harmful to the environment, or human or animal life, health, safety or welfare. Hazard material shall include but not limited to, such substances, as chemicals, and gases, explosives, radioactive materials, petroleum-based products, poisons, biologic agents, flammables, combustibles, hazardous wastes, or corrosives. The Fire Chief or the Chief's designee shall have reasonable discretion to determine whether any substance constitutes a hazardous material.

EMERGENCY INCIDENT. A bomb threat, vehicle fire, an illegal fire, extrication from a vehicle involved in an accident, and/or accident-related clean-up.

EMERGENCY RESPONSE. The providing, sending and/or utilization of public works, police, fire and/or rescue services by the City at an emergency incident or at an incident involving release of a dangerous or hazardous substance or material, or an accident requiring immediate and prudent securing and monitoring by the City and/or agents of the City.

EXPENSE OF AN EMERGENCY RESPONSE.

1. The expense for an emergency incident shall be according to the fee schedule adopted by the Imlay City Commission.
2. For all other emergency responses, the direct costs incurred by the City in making an appropriate emergency response to an accident or incident, including the costs of providing police, firefighting and rescue services, public works, and/or other City personnel, or other services of other agents of the City, at the scene of an incident or accident. Related administrative costs, for agents of the City shall be 15% of the actual charge to the City, accruing after the occurrence of such incident or accident, are also included. Such costs and expenses shall include the salaries, or wages, workers' compensation benefits, and fringe benefits of the personnel responding to the incident or accidents and the costs of equipment and materials used.

ILLEGAL FIRES. A fire set or determined to have been set in violation of a federal, state, or local law and shall include an arson fire, a fire set in violation of a "no burning" ban or order and/or a fire set without a required permit.

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RESPONSIBLE PARTY. Any individual, firm, or corporation, association, partnership, commercial entity, or any other legal entity responsible for an emergency incident or any owner tenant, occupant or party in control of real or personal property from which there is a public safety or fire emergency incident including their heirs, estates, successors, and assigns.

(Ord. 156.02, passed 07/06/2021)

§ 156.03 DUTY TO REMOVE AND CLEAN-UP.

(A) It shall be the duty of any person, firm, corporation, public or private utility, or any other entity directly or indirectly causing, contributing to or allowing the leakage, spillage or any other release of dangerous or hazardous substances or materials, or owning, or controlling property affected thereby and requiring the securing and monitoring of sites or locations of accidents and/or natural disasters, including downed power lines and electrical services lines, ruptured gas mains, gas service conduits, water mains, occupancy leads, telephone lines, or cable television lines, to immediately secure, monitor, and clean-up the area or location in such a manner that the area or location involved is fully restored to the condition existing prior to such occurrence. The City shall have no duty to contain, clean-up, or dispose of any release of hazardous substances or materials, or other materials, but in an emergency situations, the Fire Chief or Chief of Police or their designee, shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public including securing and monitoring site of accidents or providing for or arranging for the containment, removal, or clean-up of any hazardous substances or materials.

(B) The City shall inspect the site to ensure that the clean-up has been fully completed.

(Ord. 156.03, passed 07/06/2021)

§ 156.04 FAILURE TO REMOVE AND CLEAN-UP.

Any person or entity failing to comply with 156.03 and/or where a non-emergency incident, emergency response is provided by the City, shall be liable to the City and shall reimburse the City for all costs and expenses, including the costs incurred by the City or its agents the City engages, for the complete abatement, clean-up, restoration and/or securing of the affected area.

(Ord. 156.04, passed 07/06/2021)

EXHIBIT A

§ 156.05 SUBMITTAL OF BILL.

The City shall, within in 10 days of receiving the itemized costs incurred for an emergency response, submit a bill for the same by first-class mail or personal delivery to any person or entity liable for these expenses as previously enumerated under this Chapter. The bill shall require full payment within thirty (30) days from the date of the billing.

(Ord. 156.05, passed 07/06/2021)

§ 156.06 Enforcement

(A) If any person or entity fails to reimburse the City as above provided, the City shall have the right to bring an action in an appropriate court to collect such costs.

(B) If such person or entity is the owner of real property affected or partially affected by the release of hazardous materials or requiring emergency securement or monitoring, the City shall have the right to add any and all costs of the clean-up, restoration, and/or to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property.

(Ord. 156.06, passed 07/06/2021)

§ 156.07 SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation section, subsection id declared void or inoperable for any reason, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

(Ord. 156.07, passed 07/06/2021)

Emergency Fire and Police Cost Recovery Ordinance

IMLAY CITY FIRE-RESCUE

FEE SCHEDULE

<u>APPARATUS</u>	<u>HOURLY RATE</u>
321 (ENGINE)	\$200
331 (TENDER/PUMPER 2500 gal.)	\$200
333 (TENDER 7000 gal.)	\$250
343 (Grass/Brush truck)	\$150
351 (Heavy Rescue)	\$200
361 (Ladder Truck)	\$250
371 (Rapid Response)	\$100
 <u>Man power/ equipment</u>	
Fire Fighter Labor	\$20.00
Extrication equipment (includes Jaws/cutters, Stabilization/ air bags)	\$100.00
Absorbent material	replacement cost

Other agencies involved will be billed per their respective Fee Schedule (ie. Police, DPW, etc....) for cost recovery.

15% Administrative shall be added to all bills



Imlay City Police Department
395 East third St.
Imlay City Michigan, 48444
810-724-2345

**POLICE DEPARTMENT BILLING RATES
FEE SCHEDULE 2021-22**

<u>Police Vehicle Units</u>	<u>Number of Units</u>	<u>Cost per hour</u>
Ford Explorer Police Interceptor	1	\$65.00
Dodge Durango Police vehicle	1	\$65.00
Staging Vehicle	1	\$65.00
<u>Personnel:</u>		
Police Officer	1	\$58.00
Command Officer (Sergeant)	1	\$72.00
Incident Commander	1	\$96.00
<u>Equipment:</u>		<u>One Time Cost</u>
Road Flares (box)	1	\$100.00
EZFLARE	1	\$20.00
Fire Extinguisher, 10lb (MV-560302)	1	\$100.00
POLICE LINE TAPE (Box)	1	\$18.00