

**PUBLIC SAFETY AND FIRE EMERGENCY RESPONSE COST RECOVERY
ORDINANCE**

CLEVELAND TOWNSHIP ORDINANCE # 2017-1

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES UNDER MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (MCL 41.801 et seq; MSA 5.2640(1) et seq) AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES AND EXEMPTIONS THEREFROM.

THE TOWNSHIP OF CLEVELAND ORDAINS:

Section 1. PURPOSE

This Ordinance is adopted for the purpose of providing financial assistance to Cedar Area Fire & Rescue Department (Cedar Area Fire & Rescue) of which the Township is a member by providing a method for cost recovery under certain circumstances from those receiving direct benefits from the emergency services from Cedar Area Fire & Rescue. Those emergency services include fire services and may include rescue services. It is also the intent of the Township to encourage mutual aid between fire departments during emergencies by adopting the charges for emergency services that have been set by the municipality that is assisting in the emergency. For purposes of this Ordinance, the services provided by Cedar Area Fire & Rescue and similar services provided by another fire department within the Township pursuant to a request for mutual aid are called "emergency services". In addition, the Township finds that it is not cost effective for the Township to pursue the collection of fire charges against those persons who do not have insurance coverage.

Section 2. CHARGES

- A. The Township board shall from time to time, by resolution set or revise charges for emergency services that are provided by Cedar Area Fire & Rescue. The charges shall only be initially set or later revised after the Township Board has received a recommendation from the Fire Board regarding those charges. It is the intent of this Ordinance that charges for emergency services shall be uniform throughout Cedar Area Fire & Rescue. The charges shall be billed to the insurance company of the recipient of the emergency services. "Insurance company" shall mean any insurance carrier that has a legal obligation to reimburse or pay on behalf of a recipient of emergency services regardless of the type of insurance coverage.

- B. If another fire department provides emergency services within the Township pursuant to a mutual aid agreement or as a result of a request for assistance from a Township official or an officer of Cedar Area Fire & Rescue, then the charges set by the assisting municipality for the services which have been provided by its fire

department shall be paid in the same manner as if those charges had been incorporated into this Ordinance. All charges of another fire department shall be due and payable and administratively handled as charges for emergency services that have been provided by Cedar Area Fire & Rescue.

- C. Any recipient of emergency services shall provide the name, address and phone number of the recipient's insurance company to Cedar Area Fire & Rescue or any third party acting on behalf of Cedar Area Fire & Rescue. If requested by Cedar Area Fire & Rescue or a third party acting on behalf of Cedar Area Fire & Rescue, the recipient of emergency services shall provide to the requesting party a copy of the applicable insurance policy. The recipient of emergency services shall sign any documents that Cedar Area Fire & Rescue determines is necessary to assist it in obtaining payment from the insurance company. This includes, but is not limited to an assignment of claim against the insurance company. If a recipient of emergency services fails to provide the required information or fails to sign a required document within 30 days after a request has been made as described in this Ordinance, then the recipient shall be liable personally to Cedar Area Fire & Rescue on behalf of the Township for all charges for emergency services. This liability shall be joint and several with the insurance company.

Section 3. EXEMPTIONS

The following properties and services shall be exempt from any charges:

- A. False alarms, except as set by the Resolution of Fees. A False Alarm is defined as any request for emergency assistance made when the person making the request knows there is no actual need for emergency assistance. Such request may be in any form and includes a request by telephone or any other method, including the activation of any automated or manual device designed to request or summon emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a false alarm.
- B. Fires involving Township buildings, grounds and/or property.
- C. Emergency services performed outside the jurisdiction of the Township under a mutual aid contract unless charges for such services are permitted by state law or local ordinance.

Section 4. TIME FOR PAYMENT FOR RUN

All of the charges imposed by this Ordinance shall be due and payable to Cedar Area Fire & Rescue on behalf of the Township within ninety (90) days from the date the service is rendered.

Section 5. COLLECTION OF CHARGES

- A. **Billing.** Cedar Area Fire & Rescue shall be responsible for all billings for charges that are imposed by this Ordinance. Cedar Area Fire & Rescue may contract with a third party to handle the administrative actions relating to sending bills, receiving payment and any collection proceedings. Cedar Area Fire & Rescue or a third party acting pursuant to a contract with Cedar Area Fire & Rescue is authorized take such legal action as may be necessary to collect any unpaid charges. Cedar Area Fire & Rescue or the third party with whom it has contracted shall be responsible for all costs and attorney fees associated with any such legal action. All charges that are imposed pursuant to this Ordinance shall be deemed assigned to Cedar Area Fire & Rescue for purposes of collection and use of all payments of the charges.
- B. **Lien.** When the public safety or fire emergency incident involves real property, if the assessable costs, including any late payment fee, assessed against a responsible party are not paid when due, said costs shall be a special assessment against the real property and shall, to the extent permitted by law, constitute a lien upon such real property in the same manner as property taxes and/or special assessments. The Township Treasurer shall, prior to March 1 of each year, certify to the Assessor of the Township in which the subject real property is located the fact that such assessable costs are delinquent and unpaid. Such Township Assessor is then authorized to enter the delinquent amount on the next general ad valorem property tax roll as a charge against the subject real property, and the lien thereon shall, to the extent permitted by law, be enforced in the same manner as provided by law for delinquent and unpaid real property taxes.

Section 6. USE OF PAYMENTS

All proceeds obtained from payments for charges after expenses of collection shall be retained by Cedar Area Fire & Rescue and shall be used only for purposes as authorized in the Interlocal Agreement that created Cedar Area Fire & Rescue.

Section 7. NON-EXCLUSIVE FUNDING

The foregoing charges shall not be exclusive of the methods that may be used by the Township to fund a fire department, but shall only be supplemental thereto.

Section 8. MULTIPLE PROPERTY PROTECTION

When an emergency service rendered by Cedar Area Fire & Rescue 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 charge for such service. The interpretation and application of the within section is hereby delegated to Cedar Area Fire & Rescue Fire Chief and shall be administered so that charges shall only be collected from the insurance company of the recipients of the emergency service.

Section 9. SEVERABILITY

If any section, provision or clause of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts thereof of this Ordinance.

Section 10. EFFECTIVE DATE

This Ordinance takes effect on the day following the date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Including but not limited to Cleveland Township Ordinance No. 2016-01.

Section 11. PUBLICATION

Publication shall be made within thirty (30) days after passage of this Ordinance in a newspaper of general circulation within the Township. The Ordinance in full or a summary of the Ordinance may be published. The publication may take place jointly with other Townships comprising Cedar Area Fire & Rescue which have enacted an identical Ordinance.

Jan Nowak
Cleveland Township Clerk
1802 E. Old Mountain Road
Cedar, Michigan 49621

Resolution No. 2017- 3
RESOLUTION TO SET FEES

At a regular meeting of the Township Board for the Township of Cleveland, Leelanau
February 14, 2017.

PRESENT: Bill Olsen, Todd Nowak, Tim Stein, Jan Nowak, Taysn Anderson-Budd
ABSENT: _____

The following resolution was offered by Bill Olsen and supported by
Todd Nowak.

***RESOLUTION TO SET FEES FOR CLEVELAND TOWNSHIP
PUBLIC SAFETY AND FIRE EMERGENCY RESPONSE COST
RECOVERY ORDINANCE***

*WHEREAS, The Township adopted Ordinance 2017- 1 (Public Safety and Fire
Emergency Response Cost Recovery) on February 14, 2017,*

*WHEREAS, the Public Safety and Fire Emergency Response Cost Recovery
Ordinance provides that the Board shall set or revise charges for emergency services.*

NOW, THEREFORE, BE IT RESOLVED as follows:

Effective February 14, 2017 the following fees shall apply for Public Safety and
Fire Emergency Response:

Motor Vehicle Accidents:

With no hazardous material released, for owners of vehicles when extrication tools are used: \$750

When absorbent materials are used: Cost of replacement

Utility Line Failure:

When response by utility is made within an hour: \$250

For response of over an hour: Minimum \$500

Cost after first hour based on units required to stand-by based on the need as seen by the Chief or the Incident Commander:

Engine: \$150 per hour
for 2nd hour
\$300 per hour
for 3rd hour
\$500 for every
hour thereafter

Tanker: \$100 per hour
for 2nd hour
\$200 per hour
for 3rd hour
\$400 for every
hour thereafter

Ambulance: \$100 per hour
for 2nd hour
\$200 per hour
for 3rd hour
\$400 for every
hour thereafter

Other Apparatus: \$100 per hour
for 2nd hour
\$200 per hour
for 3rd hour
\$400 for every
hour thereafter

Privately Owned Vehicle (P.O.V.) \$ 50 per hour
for 2nd hour
\$100 per hour
for 3rd hour
\$150 for every
hour thereafter

Personal: \$ 12.50 per hour
per individual on scene

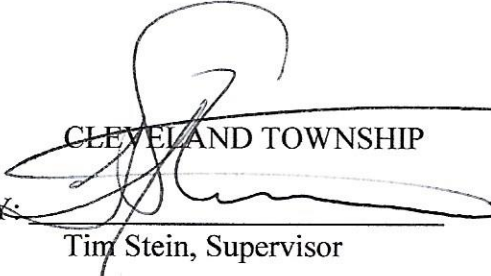
False Alarms:
First occurrence within 12 month period No charge

Second occurrence within 12 month period	\$150
Each additional occurrence after second within 12 month period	\$250

For times over one hour, billing will be broken down into half hour increments, at the cost of one half the per hour charge. Times will be taken from the Leelanau County dispatch log, and will start at the time of dispatch and end when unit returns to station.

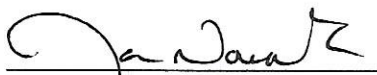
	Yes	No
Olsen	<u>✓</u>	_____
T. Nowak	<u>✓</u>	_____
J. Nowak	<u>✓</u>	_____
Stein	<u>✓</u>	_____
Anderson-Budd	<u>✓</u>	_____

RESOLUTION DECLARED ADOPTED.


 CLEVELAND TOWNSHIP
 BY: _____
 Tim Stein, Supervisor

I, the undersigned, the Clerk of the Township of Cleveland, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Cleveland Township Board of said municipality at its regular meeting held on the 14th day of February, 2017, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: 2-14, 2017.


 Jan Nowak, Clerk