

Part 163

163.000 - FIRE AND EMERGENCY SERVICES FEE Ord. No. 465 Adopted: March 17, 2014 Effective: Immediately upon publication after adoption⁽¹⁾

An Ordinance to establish fees for certain Township emergency services; to provide methods for the collection of such fees; to provide for exemptions therefrom; and to repeal all ordinances or parts of ordinances in conflict herewith.

CHARTER TOWNSHIP OF COMSTOCK, KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

Footnotes:

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Cross reference— Hazardous materials cost recovery, § 165.000 et seq.

163.001 - Title.

Sec. I. This Ordinance shall be entitled the "Comstock Charter Township Fire and Emergency Services Fee Ordinance".

163.002 - Purpose.

Sec. II. This Ordinance is adopted for the purpose of partially financing certain specified types of fire and emergency services enumerated herein furnished to persons who are neither residents nor owners of real property in Comstock Charter Township and therefore not subject to taxes or special assessments and to also help defray the costs of providing certain other specified types of fire and emergency services from those receiving direct benefits from those services.

163.003 - Fire and emergency services fee.

Sec. III. A recipient or beneficiary of any of the enumerated fire emergency services set forth in Section IV of this Ordinance rendered in Comstock Charter Township by or on behalf of the Comstock Charter Township Fire Department (hereinafter "Fire Department") in Comstock Charter Township shall be responsible for payment to Comstock Charter Township of a fire and emergency services fee for the actual cost of providing such services in accordance with the provisions of this Ordinance, including, but not limited to, costs incurred for incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall including, but are not limited to:

- A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.
- B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which

might be involved in such a response. This resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.

- C. Other expenses incurred by the Township, including but not limited to, rental or purchase of additional machinery or equipment, retention of consultants, medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the incident.
- D. Additional charges imposed by any other local, state or federal government entities, related to the incident.
- E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures, which shall not exceed 25% of the foregoing costs.

163.004 - Services for which fire and emergency services fee is imposed.

Sec. IV. A fire and emergency services fee calculated in accordance with Section III of this Ordinance shall be imposed for Fire Department and other Township services rendered in response to the following types of emergency incidents causing attendance of Fire Department personnel and/or equipment:

- A. False alarm (i.e., an emergency services call to a site when no actual emergency exists), if there have been three (3) or more prior false alarm calls to the same property within the past year.
- B. Incident involving spills onto a public or private road by a vehicle or trailer of non-hazardous materials [i.e., materials that are not "hazardous materials" as defined under the Comstock Charter Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 342)] of such quantity as to require Fire Department assistance in either removing the material from the road or in limiting access to the road until the material is removed.
- C. Fires caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 333.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance.
- D. Emergency Fire Department stand-by requested by the Kalamazoo County Sheriff's Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under MCL 333.7104(2) is being illegally kept or produced.
- E. A vehicle accident involving a vehicle owned by a party who neither resides in the Township nor owns real property within the Township. Notwithstanding Section VIII, the imposition of a fire emergency services fee for response to this type of incident shall be limited to those beneficiaries that neither own real property within the Township nor reside within the Township.
- F. A grass, brush or debris fire or bonfire not authorized or permitted by Township ordinance or by any required permit from the Fire Department.
- G. A fire or potential fire caused by a fireworks display not authorized or permitted by Township ordinance or state statute.
- H. A fire caused by proven or admitted arson by the owner of the premises or item subject to the fire.

163.005 - Billing procedures.

Sec. V. Following the conclusion of the emergency incident, the Township Fire Chief shall submit a detailed listing of all known expenses to the Township Treasurer, who shall prepare an invoice to the responsible party(ies) for payment. The Treasurer's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the bill to the responsible party(ies) shall be billed in the same manner

on a subsequent bill to the responsible party(ies). For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof.

163.006 - Exemption.

Sec. VI. All federal, state, county, municipal and other public bodies shall be exempt from the foregoing fee.

163.007 - Non-exclusive fee.

Sec. VII. The foregoing fee 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. Monies may additionally be collected by the Township through general taxation after a vote of the election approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses. The fees imposed under this Ordinance shall be deemed supplemental to the separate charges imposed under the Comstock Charter Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 342) for Fire Department responses to incidents involving the release or threatened release of hazardous materials as defined under that ordinance.

163.008 - Multiple beneficiaries.

Sec. VIII. When a particular emergency service of the type enumerated in Section IV benefits more than one person or property, the owner of each property so benefited and each person so benefited 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 Fire Chief subject only to appeal, within the time limits for payment, to the Comstock Charter Township Board and shall be administered so that fees 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 Fire Department 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 which were released or spilled, and (5) in the case of an incident involving a false alarm call, the owner and/or lessee of the property which was the subject of the call.

163.009 - Violation and sanctions.

Sec. IX. Any person or entity who neglects or refuses to pay the foregoing fire and emergency services fee within forty-five (45) days of the billing for the same shall be deemed to have committed a municipal civil infraction as defined by Michigan statute and shall be punished by a civil fine in addition to the payment of the required fee in accordance with the following schedule:

\$100.00 for each day that the aforesaid fee remains unpaid after the due date thereof but not to exceed \$500.

Additionally, the violator shall pay costs which may include all expenses direct and indirect which the Charter Township of Comstock has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

In addition to the above, the Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect fees imposed under this Ordinance. The recovery of fees imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

163.010 - Severability.

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

163.011 - Repeal.

Sec. XI. All ordinances or parts of ordinances in conflict herewith, including Comstock Charter Township Ordinance No. 361, are hereby repealed. This Ordinance shall be deemed supplementary to the Comstock Charter Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 342).

163.012 - Effective date.

Sec. XII. This Ordinance shall take effect immediately upon publication after adoption.