

**THE CHARTER TOWNSHIP OF BEDFORD
COST RECOVERY ORDINANCE 5/14/09/14**

AN ORDINANCE WITH RESPECT TO COST RECOVERY FOR EMERGENCY SERVICES

THE CHARTER TOWNSHIP OF BEDFORD ORDAINS:

Section 1: Cost Recovery for Emergency Services

A. Purpose

The purpose of this article is to enable the Township to require reimbursement from those individuals responsible for accidents involving drunk driving, and from property owners who receive direct benefits from emergency, police or fire protection services provided by the Township fire department and/or police department and, to the extent permitted by law, from those causing or responsible for igniting fires or for the leaking, spilling or escape of dangerous or hazardous substances or materials, thereby requiring extinguishing, clean-up and/or disposal by the Township or its agents.

B. Definitions

The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Dangerous or hazardous substance or material” means chemicals and gases, explosives, radioactive materials, petroleum products or gasses, poisons, etiologic (biologic) agents, flammables and corrosives, or substances that are obnoxious by reason of odor, spillage, leakage, or other release from their containers.

“Emergency response” means:

1. The providing, sending and/or utilizing of police, fire fighting, emergency medical and rescue services by the Township, or a private or public individual or corporation operating by contract or at the request or direction of the Township, to an incident resulting in an accident involving a motor vehicle or one or more drivers where operating a motor vehicle while intoxicated or while impaired due to the consumption of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and a controlled substance;
2. An incident resulting in a traffic stop and arrest by a police officer when a driver was operating a motor vehicle while intoxicated or impaired due to the consumption of an alcoholic and/or controlled substances; or,
3. The taking of any actions necessary to protect the public health, safety or welfare or the environment including but not limited to the

1. The owner or operator of any area, place or property who is responsible for an activity causing a release or a threat of a release and for which there is an emergency response by the Township shall be liable for the cost of an emergency response.
 2. Any person or vehicle owner/or the lessee who owned or operated a motor vehicle, train, or other transporter, which operation results in an emergency response, shall be responsible and liable for the expense of the emergency response.
 3. Any individual who is the object of an emergency response by the Township shall be presumed liable for the costs of the emergency response.
 4. Any person is liable for the expense of an emergency response, if while under the influence or while impaired due to the consumption of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance, such person's operation of a motor vehicle proximately causes any incident resulting in emergency response.
 5. Presumptions are as follows:
 - a. For the purposes of subsection C.4 of this section, a person under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and a controlled substance, when due to drinking alcohol the person's ability to operate a motor vehicle in a normal manner is substantially lessened or, because of drinking alcohol, a person's mental or physical condition is significantly affected and he is no longer able to operate a motor vehicle in a normal manner. Further, it shall be presumed that a person was operating a motor vehicle while intoxicated if the person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - b. For purposes of subsection C.5 of this section, a person is operating while impaired, when due to the consumption of alcohol or a controlled substance, or the combined influence of an alcoholic beverage and a controlled substance, the person operates a motor vehicle with less ability than would an ordinary careful driver. The person's driving ability must have been lessened to the point that it would have been noticeable to another person.
 6. The expense of an emergency response shall be a charge against the person liable for the expenses under this section. The charge constitutes a debt of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under a contract, express or implied.
 7. The Township Board of Trustees shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public from with the Township clerk or the Township department of public safety.
- D. Liability; hazardous or toxic substance or materials.
1. It shall be the duty of any person which causes or controls leakage, spillage, or any other release of a dangerous or hazardous substance or material to take such action as called for by Part 201 of NREPA, MCL 324.20101 et seq., and to

emergency response to the tax roll as to any such property, and to levy and collect such costs in the same manner as provided for the levy and collection of real taxes against such property. This remedy is in addition to any other remedy available to the Township allowed by law.

Section 2: Severability of Invalid Provisions

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 3: Repeal

All ordinance, or parts of ordinances, in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect. Specifically Bedford Township Ordinance 8/14/97/39 of 1997 is hereby repealed.

Section 4: Savings Clause

A prosecution which is pending on the effective date of this ordinance, and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 5: Effective Date

This ordinance shall take effect on the date of publication pursuant to MCL 42.22, which publication shall take place within thirty (3) days from the date of adoption and shall be in a newspaper of general circulation. Publication of a summary of this ordinance, as part of the published proceedings of the Township Board, shall constitute publication of the ordinance.

This ordinance is hereby declared to have been passed and adopted by Bedford Charter Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on May 14, 2009.

(The fees are designed to provide for the recovery of cost associated with emergency response personnel and equipment in instances. The establishment of fees will allow a standard charge per hour for personnel and vehicles involved in an emergency response.)

PERSONNEL COST

Firefighter \$15.00
 Overtime \$22.50
 Fire Lieutenant \$20.00
 Overtime \$30.00
 Fire Captain \$25.00
 Overtime \$32.50

VEHICLE COST

Fire Engine \$250.00
 Tanker \$250.00
 Heavy Rescue \$250.00
 Wildland Truck \$100.00
 Command Vehicle \$ 50.00
 Utility Vehicle \$ 25.00
 Other Vehicle Evaluated Per Call

EQUIPMENT/MATERIAL

Firefighting Foam \$150.00 gal.
 Absorbent Materials \$ 30.00 bag
 Other Items Evaluated Per Call Per Item

Fire Command \$35.00

Other Cost: Legal Cost, Evaluated Per Call; Report Copy, \$5.00; Other Cost, Evaluated Per Call

ROLL CALL: PARKER, YES; DUCK, YES; SPRAU, YES; HARVEY, YES; WATERSON, YES; SHAW, YES; DEZOTELL, YES -- 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 5/14/09/15a THE FRIENDLY AMENDMENT WAS OFFERED BY TRUSTEE WATERSON TO ADD WORDING TO THE MAIN MOTION. THE WORDING IS AS FOLLOWS: "OR ADJUSTED BY ANNUAL INCREASES", WHICH WOULD BE A TAG LINE AT THE END OF THE MAIN MOTION. THE MOTION WAS SUPPORTED BY TRUSTEE HARVEY.

(FRIENDLY AMENDMENT IS VOTED BEFORE THE MAIN MOTION)

ROLL CALL: HARVEY, YES; WATERSON, YES; SHAW, YES; DEZOTELL, YES; PARKER, YES; DUCK, YES; SPRAU, YES -- 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED

(C) BUILDING AND GROUNDS

RES. 5/14/09/16 MOVED BY TRUSTEE PARKER, SUPPORTED BY TRUSTEE SHAW, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO AUTHORIZE THE ORDER OF 9 SIGNS FROM SIGNS AND DESIGNS. SIGNS NOT TO EXCEED \$1,300.00.

ROLL CALL: DEZOTELL, YES; PARKER, YES; DUCK, YES; SPRAU, YES; HARVEY, YES; WATERSON, YES; SHAW, YES -- 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 5/14/09/17 MOVED BY TRUSTEE SHAW, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO AUTHORIZE THE INSPECTION OF THE PLAYGROUND EQUIPMENT AT THE FOUR PARKS FROM MIKE WOOD, PLAY ENVIRONMENTS, INC., INSPECTION NOT TO EXCEED \$500.00.

SECTION. SUCH BILL SHALL REQUIRE FULL PAYMENT IN 30 DAYS FROM THE DATE OF BILLING. THE TOWNSHIP MAY PROCEED BY SUIT IN A COURT OF APPROPRIATE JURISDICTION TO COLLECT ANY MONIES REMAINING UNPAID TO THE EXPIRATION OF 30 DAYS FROM BILLING AND SHALL HAVE ANY AND ALL OTHER REMEDIES PROVIDED BY LAW PROVIDED FOR THE COLLECTION OF SUCH CHARGES, IN ADDITION IF ANY PERSON OR ENTITY FAILS TO REIMBURSE THE TOWNSHIP AS PROVIDED AND SUCH PERSON OR ENTITY IS THE OWNER OF THE AFFECTED PROPERTY, THE TOWNSHIP SHALL HAVE THE RIGHT AND POWER TO ADD ANY AND ALL COSTS OF EMERGENCY RESPONSE TO THE TAX ROLL AS TO ANY SUCH PROPERTY, AND TO LEVY AND COLLECT SUCH COSTS IN THE SAME MANNER AS PROVIDED FOR THE LEVY AND COLLECTION OF REAL PROPERTY TAXES AGAINST SUCH PROPERTY. THIS REMEDY IS IN ADDITION TO ANY OTHER REMEDY AVAILABLE TO THE TOWNSHIP ALLOWED BY LAW.

SECTION 2. SEVERABILITY OF INVALID PROVISIONS. IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, ITS INVALIDITY SHALL NOT EFFECT ANY OTHER PROVISIONS OF THIS ORDINANCE AN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION, AND FOR THIS PURPOSE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE.

SECTION 3. REPEAL. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED ONLY TO THE EXTENT NECESSARY TO GIVE THIS ORDINANCE FULL FORCE AND EFFECT. SPECIFICALLY BEDFORD TOWNSHIP ORDINANCE NO. 8-14-97-39 OF 1997 IS HEREBY REPEALED.

SECTION 4. SAVINGS CLAUSE. A PROSECUTION WHICH IS PENDING ON THE EFFECTIVE DATE OF THIS ORDINANCE AND WHICH AROSE FROM A VIOLATION OF AN ORDINANCE REPEALED BY THIS ORDINANCE, OR A PROSECUTION WHICH IS STARTED WITHIN ONE (1) YEAR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE ARISING FROM A VIOLATION OF AN ORDINANCES REPEALED BY THIS ORDINANCE AND WHICH WAS COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE, SHALL BE TRIED AND DETERMINED EXACTLY AS IF THE ORDINANCE, SHALL BE TRIED AND DETERMINED EXACTLY AS IF THE ORDINANCE HAD NOT BEEN REPEALED.

SECTION 5. EFFECTIVE DATE. THIS ORDINANCE SHALL TAKE EFFECT ON THE DATE OF PUBLICATION PURSUANT TO MCL 42.22 WHICH PUBLICATION SHALL TAKE PLACE WITHIN THIRTY DAYS FROM THE DATE OF ADOPTION AND SHALL BE IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION. PUBLICATION OF A SUMMARY OF THIS ORDINANCE, AS PART OF THE PUBLISHED PROCEEDINGS OF THE TOWNSHIP BOARD, SHALL CONSTITUTE PUBLICATION OF THE ORDINANCE.

ROLL CALL: DUCK, YES; SPRAU, YES; HARVEY, YES; WATERSON, YES; SHAW, YES; DEZOTELL, YES; PARKER, YES -- 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 5/12/09/15 MOVED BY TRUSTEE WATERSON, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO ADOPT THE FOLLOWING FEE SCHEDULE FOR THE COST RECOVERY FOR EMERGENCY SERVICES ORDINANCE:

To the Board of Trustees of the Charter Township of Bedford

Please consider the following recommended update/changes to the Cost Recovery Ordinance 5/14/09/14

Purpose:

- A. Replace drunk driving with impaired driving.
 - a. Add distracted driving
- B. Add distracted driving to item #1

Fees:

Personnel:

Personnel cost shall be calculated as the actual labor expenses in accordance with current pay schedule.

Equipment:

Fire Engine	\$250 per hour
Aerial	\$250 per hour
Tanker	\$225 per hour
Brush	\$225 per hour
Squad	\$125 per hour

Supplies:

Consumable supplies shall be billed at the actual replacement cost.

Respectfully submitted,
Bill Woodward Assistant Chief
Charter Township of Bedford Fire Department

CHARTER TOWNSHIP OF BEDFORD

COUNTY OF CALHOUN

STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

**ORDINANCE AMENDING BEDFORD CHARTER TOWNSHIP ORDINANCE
NO. 5/14/09/14**

An ordinance to amend Ordinance No. 5/14/09/14, titled the Bedford Charter Township Cost Recovery for Emergency Services Ordinance to amend certain definitions, to add distracted driving; to set a cost recovery fee schedule, to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

CHARTER TOWNSHIP OF BEDFORD

CALHOUN COUNTY

STATE OF MICHIGAN

ORDAINS:

**SECTION 1
AMENDMENT TO SECTION 1 OF ORDINANCE NO. 5/14/09/14**

This section amends Section 1.A. titled "Purpose" of the Ordinance No. 5/14/09/14 in its entirety to read as follows:

A. Purpose.

The purpose of this article is to enable the Township to require reimbursement from those individuals responsible for accidents involving impaired driving and distracted driving, and from property owners who receive direct benefits from emergency, police or fire protection services provided by the Township Fire Department and/or contacted police department; and, to the extent permitted by

law, from those causing or responsible for igniting fire or for the leaking, spilling or escape of dangerous or hazardous substances or materials, thereby requiring extinguishing, clean-up and/or disposal by the Township or its agents.

SECTION 2
AMENDMENT TO SECTION 1 OF ORDINANCE NO. 5/14/09/14

This section amends sub-paragraph 1 contained within “Emergency Response” of Section 1.B. titled, “Definitions” the Ordinance No. 5/14/09/14 in its entirety to read as follows:

1. The providing, sending and/or utilizing of police, fire fighting, emergency medical and rescue services by the Township, or a private or public individual or corporation operating by contract or at the request or direction of the Township, to an incident resulting in an accident involving a motor vehicle while intoxicated or while impaired due to the consumption of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and a controlled substance; or, otherwise distracted driving.

SECTION 3
AMENDMENT TO SECTION 1 OF ORDINANCE NO. 5/14/09/14

This section amends the definition of “Police Department” in Section 1, sub-paragraph B, titled “Definitions” in Ordinance No. 5/14/09/14 to read as follows:

“Police Department” means the Battle Creek Police Department or any agency providing police service to the Township pursuant to contract or mutual aid agreement.

SECTION 4
AMENDMENT TO SECTION 1 OF ORDINANCE NO. 5/14/09/14

This Section amends Section 1, to add new sub-paragraph “G.” titled “Fees” to read as follows:

Fees.

Personnel:

Personnel Cost shall be calculated as the actual labor expenses in accordance with current pay schedule.

Equipment:

Fire Engine	\$250 per hour
Aerial	\$250 per hour
Tanker	\$225 per hour

Brush	\$225 per hour
Squad	\$125per hour

Supplies:

Consumable supplies shall be billed at actual replacement cost.

SECTION 5
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6
EFFECTIVE DATE

This ordinance shall take effect immediately upon publication, after adoption.

Joyce Feraco, Clerk
Charter Township of Bedford
115 S. Uldricks Dr.
Battle Creek, MI 49037
269-968-6917
<https://www.bedfordchartertwpmi.gov/>