

## CHAPTER 1072

### CHARGES FOR EMERGENCY SERVICES

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#### CROSS REFERENCES

City Ability to Render Charges – M.C.L.A. 41.801 & 411.806(a)

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#### **1072.01 PURPOSE**

This article is adopted to provide reimbursement to the City for extraordinary costs incurred by the City relative to emergency services rendered by the City of Ewart.

#### **1072.02 CHARGES FOR SERVICES**

Pursuant to the authority granted by Public Act 33 of the Public Acts of 1951, as amended, and as further amended by Public Act 102 of the Public Acts of 1990, found in Michigan Compiled Laws Section 41.801 and 41.806(a) the city may render charges to

persons or properties serviced by the Ewart Area Fire Department and the Ewart Police Department for certain specific services for conditions described as follows:

- (a.) Any city response to a false alarm due to system malfunction or maintenance issue at a non single-family residential property in excess of three (3) such alarms on a calendar year basis.
- (b.) Any city response requiring mitigation or investigation relating to fires started with malicious intent proved arson, illegal burning and other types of deliberate false calls. Charges shall be made to the responsible party.
- (c.) Any city response to electrical utility power line standbys and/or electrical utility line hazardous conditions up to customer metered point. Charges shall cover all department expenses relating to such calls and be made to utility owner of said lines.
- (d.) Business/commercial/industrial owner shall be subject to a one-hour minimum re-inspection visit charge beginning with the third inspection visit and each subsequent visit relating to the same code violation left uncorrected.
- (e.) Any city response to hazardous materials release in response.
- (f.) Any fire or police department response to a traffic or vehicular accident.
- (g.) Any fire or police department response to a vehicle fire whether or not related to an accident.
- (h.) Any fire or police department response to a reported structure fire.

### **1072.03 DEFINITIONS**

*City response* means coming to the scene of an accident or any investigation in connection with an incident by city public safety departments including police and fire.

*Hazardous condition* means downed utility lines or arcing utility lines.

*Investigation* means gathering of evidence or data in connection with arson investigations or special investigations required to determine the responsibility of persons for fire, spills, accidents or hazardous conditions. Investigations do not include the normal investigation made after a fire necessary for the completion of any ordinary fire or incident report.

*Person* means a natural person, corporation, partnership or other entity with legal capacity.

#### **1072.04 RESPONSIBILITY OF CHARGES**

Persons responsible for charges shall include:

- (a.) Persons who caused the condition
- (b.) Property owners or occupants of property upon which the conditions exist
- (c.) Owners or lessees of said property involved in the condition, such as vehicle owners, utility or gas companies
- (d.) Insurers or guarantors for persons responsible or benefited
- (e.) Responsible parent or guardian

#### **1072.05 PAYMENT FOR SERVICES**

The City may bill persons or corporations determined to be responsible for the incident charged for, or owner of property. All bills rendered for charges shall be paid to the Treasurer of the City of Ewart within thirty (30) days of the mailing of the billing.

#### **1072.06 LIEN UPON PROPERTY**

In cases where services have been rendered to a property or property owner the charges shall constitute a lien on said property, including both real and personal property. If not paid within thirty (30) days after the same is due, the City Treasurer shall, prior to April 1 of each year certify to the tax assessing officer of the city, the fact of such delinquency, whereupon the assessor shall enter the delinquent amount on the next general tax roll as

charge against the property, and the liens thereupon shall be enforced in the same manner as provided by law for delinquent and unpaid taxes.

**1072.07 ADDITIONAL METHODS OF COLLECTION**

Notwithstanding the foregoing the City shall be empowered to initiate proceedings in any court of competent jurisdiction to collect said services costs as a matured debt of the City.

**1072.08 CHARGES**

Charges for emergency services enumerated above shall be determined by the City.

**1072.09 SEVERABILITY**

Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

**1072.10 ORDINANCE REPEAL**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**1072.11 EFFECTIVE DATE**

This ordinance shall be effective upon adoption and publication.