

**TOWNSHIP OF SALEM  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO 2005-2**

**COST RECOVERY FOR FIRE DEPARTMENT SERVICES**

**Adopted: February 8, 2005**

**Effective: February 28, 2005**

**SECTION 1  
PURPOSE OF THIS ARTICLE**

The purpose of this ordinance is to provide additional provisions to allow the Fire Department to recover costs incurred in connection with certain assessable emergency services and to provide for the enforcement of this ordinance.

This Ordinance provides for the charges for certain assessable services, to define responsibility for such charges, and to clarify that any party benefiting from Fire Department services shall be liable for payment of services rendered, and to allow for billing through the Township for other departments or agencies providing assistance within the Township.

**SECTION II  
RESPONSIBLE PARTIES**

The Township shall bill persons, entities, or corporations determined to be responsible for certain services provided by or through the Township or any Fire Department contracted by the Township. Any party benefiting from such services shall be liable for payment of the full charge for such services rendered. When a particular service rendered by or through the Fire Department directly benefits more than one person or property, the owner of each property so benefited and/or each person so benefited if property protection is not involved, shall each be liable for the payment of the full charge for services. Beneficiaries shall also be responsible jointly and severally for charges billed to the recipient of the service. Parents and/or guardians shall be responsible for payment for assessable services incurred by minors who caused the condition or event leading to the charges.

### **SECTION III ASSESSABLE COSTS**

Costs associated with the following actions or services, also referred to, as “assessable services” in the Ordinance shall be jointly and severally assessed to any and all responsible and benefited parties. Costs incurred by the Township or any Fire Department contracted by the Township include, but are not limited to, materials, equipment, manpower, administration, and assistance within the Fire Department, from other departments of the Township, or outside sources or contractors, injuries or damages to people or property which results from the situation which caused the Township to incur assessable costs, and any other factors deemed relevant by the Township Board.

1. Costs incurred to halt, abate, remediate or remedy any spill, containment, or release of any hazardous materials and liabilities resulting from such refer to Ordinance No. 2002-1 Hazardous Materials Cost Recovery Ordinance.
2. Extraordinary costs incurred to extinguish or fight any fire in or at a structure or on a property, including, but not limited to, overhauling equipment, fire extinguishers and foam, any demolition costs if the structure must be demolished to protect the public safety following the fire, and any liabilities resulting from such.
3. Costs incurred in connection with a utility line or facility failure or problem and any liabilities resulting from such.
4. Costs incurred in connection with any water rescue or recovery attempt and any liabilities resulting from such.
5. Costs incurred in connection with any Technical Rescue Unit (i.e. Means the equipment and/or specially trained rescue and/or recovery team provided by governmental or private emergency response services to provide emergency serviced in situations involving the technical rescue and/or recovery situation) and any liabilities resulting from such.
6. Costs associated with a motor vehicle accident, extrication of individuals from a vehicle, or motor vehicle fire, including but not limited to, “spill clean-up,” foam, fire extinguishers, and any liabilities resulting from such.
7. Costs associated with a false alarm in excess of two times in a one calendar year time period.
8. Any assessable costs, including litigation expenses, which become known to the Township following the transmittal of a statement to the responsible party pursuant to this Ordinance, shall be billed in the same manner.

### **SECTION IV CHARGES FOR SERVICES**

Rates and guidelines for charges and assessable costs shall be set by resolution of the Board of Salem Township. All costs assessed pursuant to this Ordinance shall become due within thirty (30) calendar days of the date of the statement, unless an appeal is pending.

**SECTION V  
INTERPRETATIONS**

The contracted Fire Departments shall have the right to render formal interpretations of provisions of this Ordinance, including what constitutes “extraordinary costs.” Any such interpretation shall be binding unless any such interpretation is overturned or Modified by a timely appeal to the Township Board pursuant to the Section 8 hereof or by a court of competent jurisdiction.

**SECTION VI  
APPLICABILITY OF CHARGES REGARDLESS OF OUTCOME**

The assessable costs and charges under this Ordinance shall be applicable regardless of the results or outcome of services provided by or through the contracted Fire Departments with regard to the particular fire, rescue service, or other emergency involved.

**SECTION VII  
ADDITIONAL REMEDIES**

The assessable costs and charges specified by this Ordinance are intended to reimburse the Township for its reasonable costs and expenses incurred, and are not penal in nature. Accordingly, and charges or assessable costs billed or imposed pursuant to this Ordinance shall be in addition to any penal fines, fees, or other costs or expenses which may be imposed on the property owner or beneficiary pursuant to any ordinance.

**SECTION VIII  
RIGHT TO APPEAL**

Any responsibility party who receives a statement of costs assessed pursuant to this Ordinance shall have the opportunity to appeal the costs to the Township Board. The responsible party who wishes to appeal any assessable costs shall file a written appeal with reasons for the appeal with the Township Treasurer within fourteen (14) calendar dates of the statement of the assessed costs. The appeal will stay all payments due until the appeal is decided by the Township Board. The Township will review the appeal first by the Township Services Committee (consisting of the Fire Chief, Township Treasurer, and Township Supervisor), which will provide a recommendation to the Township Board. The appeal will be placed on the agenda of the next regularly scheduled or special Township Board meeting. The Township Board will consider the request, along with the recommendation from the committee, and will make a determination regarding the assessable costs in the case appealed. The Township Board will also determine the date that any or all accessible costs involved in the appeal will become due.

**SECTION IX  
SEVERABILITY**

This ordinance is declared to be available. Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

**SECTION X  
REPEAL**

All resolutions, ordinance, orders of parts thereof in conflict in whole or in part with any provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**SECTION XI  
EFFECTIVE DATE**

Effective Date. This Ordinance shall take effect upon its publication following its adoption by the Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.