

**CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2016-01**

**EMERGENCY RESPONSE COST RECOVERY ORDINANCE AMENDMENT**

An Ordinance to amend the Emergency Response Cost Recovery provisions in Division 1 of Article III in Chapter 14 of the Waterford Charter Township Code, by amending and adding definitions, expanding the types of emergency responses for which Township expenses may be recovered, and adding provisions regarding the persons responsible for those expenses and procedures for collecting them.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 14-101 of the Waterford Charter Township Code is amended to add new definitions of Emergency, Resident, Responsible Person, and Utility, and to modify the definition of Emergency Response to read as follows:

**Sec. 14-101. Definitions.**

The following words or phrases are defined as stated herein:

***Emergency*** means an unexpected, unforeseen, or accidental situation or occurrence that does or may reasonably require prompt action or response by Township vehicles, equipment, and/or personnel to protect or preserve the public health, safety, or welfare.

***Emergency Response*** means the dispatch, provision, or utilization of Township personnel and/or equipment, including resultant enforcement and prosecution efforts in any of the following situations:

- (a) The arrest, detention or incarceration of persons in violation of state laws or ordinances of the Township prohibiting the operation of motor vehicles while under the influence of, or while impaired by, the consumption of alcoholic beverages, or controlled substances, or combination thereof.
- (b) Requests for life-support vehicles, equipment and/or personnel in the attendance or transport of persons to a hospital or other medical facility where no actual medical emergency existed, whether or not the person was transported.
- (c) Requests for life-support vehicles, equipment and/or personnel in the attendance or transport of persons to a hospital or other medical facility where the need for the request was substantially induced or precipitated by the ingestion of alcohol or by abuse of drugs or controlled substances.
- (d) The use of police, fire, or other Township department vehicles, equipment or personnel at the scene of an emergency, including downed power lines on public or private property.
- (e) The use of police, fire, or other Township department vehicles, equipment, or personnel at the scene of a utility emergency involving facilities that are the responsibility of DTE Energy, Consumers Energy, or other utility provider, where Township personnel and/or equipment are required for public protection to the

- extent that the required use of personnel and/or equipment exceeds thirty (30) minutes from the time of dispatch.
- (f) The use of police or fire department vehicles, equipment or personnel in response to:
    - (1) A false or prank "911" call. If such a call is made from a ground phone, the person in control of the premises shall also be responsible. If the call is by a minor, the minor's parent or guardian shall be responsible.
    - (2) The use of police or fire department vehicles, equipment or personnel in response to a "911" call made without good cause, by an intoxicated person or a person who has abused controlled substances, as defined in the Public Health Code.
  - (g) The use of police or fire department vehicles, equipment, resources, or personnel, including the "Tech Rescue Team," at the scene of individual or common disasters or other emergency, such as building collapse, cave-ins, water or ice rescues, and similar situations.
  - (h) The use of police or fire department vehicles, equipment, resources, or personnel, including the "SRT Team", at the scene of an emergency or exigent conditions, including but not limited to harboring of vicious animals, animal rescue, hostage/suicide events, pursuits, and similar situations.
  - (i) The use of police, fire, or other Township department vehicles, equipment, or personnel at the Oakland County International Airport in response to crimes, accidents, or an emergency.
  - (j) The use of police or fire department vehicles, equipment, or personnel for emergency runs requiring the use of vehicle lights and/or sirens to the scene of an actual or reported crime, apparent personal injury accident, or other accident that presents an immediate threat to the public health, safety, or welfare.
  - (k) The use of police or fire department vehicles, equipment, or personnel to respond to a report of a crime, a property damage or other accident, or other situation that is not treated as an emergency requiring the use of vehicle lights and/or sirens.

**Resident** means:

- (a) An individual residing and with a residency address, or a business located, on real property in the Township for which the real property taxes are not delinquent; and
- (b) For emergency responses by the fire department, an individual residing and with a residency address, or a business located, on real property serviced by the Waterford Regional Fire Department for which the real property taxes are not delinquent.

**Responsible person** means any of the following:

- (a) A person whose careless, reckless, negligent, criminal, or intentional act or omission caused the need for the emergency response.
- (b) A person who falsely reports an emergency that results in an emergency response.
- (c) A person that without good cause, reports the need for and requests an emergency response that is provided and was not needed.
- (d) A person who receives emergency medical, transportation, or rescue service, or other benefit from an emergency response.

- (e) A person whose violation of the Michigan Vehicle Code caused the need for the emergency response.
- (f) If a minor under the age of 18 is a responsible person, that minor's parents, guardians, or other persons legally responsible for the minor.
- (g) For an emergency response involving a utility, a person that owns, operates, maintains, or is legally responsible for the operation and maintenance of that utility.

**Utility** means a building, structure, equipment, facility, line, wire, cable, pole, tower, track, conduit, main, pipe, tank, device, component, or other installation that is used to store, supply, distribute, or provide electricity, gas, or propane, to provide wired or wireless communication services, or to provide railroad or other transportation services.

## **Section 2 of Ordinance**

Sections 14-102, 14-105, and 14-106 of the Waterford Charter Township Code are amended to read as follows:

### **Sec. 14-102. Liability for expenses.**

A responsible person shall be liable and responsible to the Township for the expenses of an emergency response. If there is more than one (1) responsible person, the liability of those persons shall be joint and several. If a responsible person has an ownership interest in real property that was benefited by an emergency response that was necessitated by that person's criminal, reckless, or intentional act or omission, the liability and responsibility of that person shall

be secured by a lien on that real property, enforceable as provided in Sections 14-105 and 14-106.

### **Sec. 14-105. Invoice determination; demand for payment and billing.**

- (a) Once the expenses of an emergency response have been determined, the official responsible for the Township department that provided an emergency response, or agent of the Township as designated and provided for in a resolution or contract approved by the Township Board of Trustees, shall submit an itemized invoice/statement for such expenses by first class mail or personal service to each responsible person or their insurance company as provided in subsection (b), requiring payment within thirty (30) days from date of submission. If a responsible person's liability is secured by a lien on real property under Section 14-102, that claim and the affected property must be stated in or attached to the invoice/statement.
- (b) A responsible person that is a resident shall not be directly billed or responsible for the expenses of an emergency response not paid for by his or her insurance company if the emergency response was not necessitated by a criminal, reckless, or intentional act or omission by the responsible person.
- (c) Interest shall accrue and be payable for all expenses of an emergency response that are not timely paid at the annual rate of five (5%) percent, compounded annually.
- (d) If a responsible person has been charged, convicted, or found responsible for an offense that caused the need for the emergency response, a copy of the itemized invoice/statement shall be provided or made available to the court if the Township

has requested or intends to request a court order for payment of the expenses in that case.

**Sec. 14-106. Failure to pay; Civil infraction and suit to recover plus costs.**

Failure by a person liable for the expenses of an emergency response to pay the invoice/statement for the expenses within the time required under Section 14-105:

- (a) Is a civil infraction, punishable as provided in Section 1-010(b) of this Code, except that the maximum civil fine is \$100.00.
- (b) Is a default, after which the Township may commence suit to recover the amount due and shall be entitled to have all court costs and attorney fees associated with such suit included within the judgment.
- (c) Allows the Township to record notice with the Register of Deeds of any lien against real property under Section 14-102 that it has provided notice of under Section 14-105, and to place the unpaid amount on tax bills and the tax roll for collection as provided in Section 1-014 of the Waterford Charter Township Code.

**Section 3 of Ordinance**

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**Section 4 of Ordinance**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on April 11, 2016.

CHARTER TOWNSHIP OF WATERFORD

4-11-2016  
Date

By:   
Sue Camilleri, Township Clerk