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**DEVELOPMENT SERVICES  
DEPARTMENT**

Jeffrey M. Polkowski, AICP  
Director

Rick Hutchinson  
Superintendent of Building  
Division

Scott Alef  
CDBG Coordinator

## MEMORANDUM

Date: January 2, 2026  
To: Honorable Township Board Members  
From: Jeffrey Polkowski, Director of Development Services  
RE: Ordinance No. 2026-001  
Non-Emergency Cost Recovery

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The proposed Cost Recovery Ordinance Amendment adds a new Division 3 – Non-Emergency Cost Recovery to Chapter 14 of the Waterford Charter Township Code. The amendment establishes a framework allowing the Township to recover costs associated with excessive non-emergency responses by Fire Department personnel, particularly those originating from elder care facilities.

Over recent years, the Township has experienced a measurable increase in calls for Fire Department assistance that do not involve emergency medical conditions. These calls commonly include lift assistance, non-emergency transport, and false alarms from personal alarm devices.

While the Fire Department appropriately responds to all calls for service, repeated non-emergency responses divert personnel and equipment away from emergency readiness and other essential public services. In many cases, these calls involve situations that could reasonably be addressed through facility staffing, internal protocols, or contracted care services rather than emergency responders.

The Township finds that continued reliance on Fire Department resources for routine, non-emergency assistance creates an inequitable use of public resources and places unnecessary strain on emergency operations. As such this ordinance amendment:

- Establishes clear definitions related to non-emergency responses, elder care facilities, false alarms, and lift assistance.
- Creates a threshold for excessive non-emergency requests, defined as five (5) or more qualifying calls from the same facility within a calendar year.
- Authorizes the Township to recover documented costs associated with excessive non-emergency responses, including personnel time, equipment use, administrative costs, and related expenses.
- Clarifies that **individual residents are not responsible** for these charges, liability rests solely with the facility owner or responsible legal entity.
- Provides a structured billing, appeal, and waiver process, ensuring due process and administrative oversight.
- Allows for cost recovery through invoicing, civil enforcement, and lien placement, consistent with existing Township procedures.
- Requires facilities with repeated excessive responses to submit a corrective action plan outlining steps to reduce future non-emergency calls.

This amendment is not intended to discourage legitimate emergency calls or delay emergency response in any way. Rather, it is designed to promote responsible operational practices by elder care facilities, encourage appropriate staffing levels, monitoring, and internal response protocols, and protect the availability of emergency services for true emergencies. The intent is also to ensure that the costs associated with repeated non-emergency services are borne by the entities receiving the direct benefit of those services, rather than by the general taxpayer.

**Motions**

Should the Board want to consider adopting the requested rezoning, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the January 26, 2026 meeting. However, if the Board does not want to adopt the ordinance, the appropriate motion would be to not introduce the Ordinance and deny the amendment.

Should you have any questions prior to the meeting please do not hesitate to reach out to me or Chief Nye.

**Cc:**    Matthew J. Nye, Fire Chief  
          Gene Butcher, Deputy Fire Chief  
          Joellen Shortley, Township Attorney

**CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2026-001**

**COST RECOVERY ORDINANCE AMENDMENT**

An Ordinance to amend the Cost Recovery provisions in Division 1 of Article III in Chapter 14 of the Waterford Charter Township Code, by adding a new Division 3 for Non-Emergency Cost Recovery.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Division 3 of Article III of the Cost Recovery provisions in Chapter 14 of the Waterford Charter Township Code is added with the following new Sections 14-130-to 14-139 and shall state as follows:

**DIVISION 3. Non-Emergency Cost Recovery**

**Sec. 14-130. Findings and Purpose**

The Township determines that there has been a significant increase in the number of calls for the Township's fire, ambulance and emergency response personnel for non-emergency situations such as requests for lift assistance to residents of elder care facilities who have fallen and do not need to be transported to hospitals and to provide non-emergency ambulance transportation. Many times, calls for non-emergency assistance are received from alarm companies when alarms from personal alarm devices are not actively monitored by elder care facility staff to determine if assistance from the Township's fire department is necessary. Although the fire department will respond to all calls for service, the Township finds that the use of fire personnel for non-emergency responses interferes with the provision of emergency response and routine necessary public services. This Division is intended to recover costs from people receiving direct benefit from such non-emergency services.

**Section 14-131 Definitions.**

The following words or phrases are defined as stated herein:

***Elder Care Facility*** means an establishment licensed by the state of Michigan consisting of a building or group of buildings designed or used in whole or in part to provide for the housing and care of senior citizens. Elder care facilities include but are not limited to assisted living facilities, convalescent or skilled nursing facilities, elder congregate care facilities, independent living facilities, retirement community continuing care facilities and any other residential setting that provide assisted-living services for remuneration to three or more people who reside in such residential setting. Elder care facilities do not include a home or, an apartment where less than three individuals are cared for by family members or a caregiver agency.

**Excessive Requests for non-emergency responses** means five (5) or more requests for non-emergency responses made by the same elder care facility or five (5) or more false alarms generated from personal alarm devices worn by a resident within the same elder care facility within a calendar year.

**False Alarm** means any automated or manual personal alarms device that requests or summons emergency assistance whether such device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by Fire Department personnel responding to the call. A false alarm shall not be deemed to have occurred if: (i) it was caused by an act of God, i.e. a lightning storm; or (ii) it originates from a motor vehicle or building alarm system.

**Lift Assistance** means a response by the Township's Fire Department to assist in physically moving a person residing in an elder care facility who does not require emergency medical treatment or transportation.

**Non-emergency** means a response by the Township's Fire Department or emergency responders to a 9-1-1 or non-emergency call for personal physical assistance that does not require professional medical attention on an emergency basis, in the sole judgment of Fire Department personnel responding to the call. This includes but is not limited to calls for lift assistance, transportation to a medical facility or care center for non-emergency medical treatment, false alarm or other health care calls more appropriately addressed to a nurse, personal care attendant, or elder care facility employee.

**Personal alarm device** means a small apparatus worn by a resident of an elder care facility that is monitored by a third-party entity to detect falls and medical problems with a resident.

**Responsible party** means the legal entity that owns an elder care facility where the request for fire personnel to provide non-emergency assistance was placed.

#### **Sec. 14-134 Liability for expenses**

A responsible party shall be liable and responsible to the Township for expenses of excessive requests for non-emergency response. If there is more than one(1) responsible party those parties shall be jointly and severally liable. The liability of the responsible party with an ownership interest in real property that benefited from the Township providing non-emergency response, shall be secured by a lien on that real property, enforceable as provided in Section 14-137.

#### **Sec. 14-135 Schedule of Charges for expenses of non-emergency responses**

The Township Board of Trustees shall by resolution adopt a schedule of the charges for the wages of personnel, hourly equipment and vehicle use, expendable items at replacement costs, hourly administrative and supervisory expenses and legal fees, which shall be applied pro-rata, in the calculation of the expense of a non-emergency response.

### **Sec. 14-136 Invoice determination, Demand for payment**

The fire department EMS Coordinator shall keep a record of all non-emergency calls from elder care facilities. The Fire Chief will be advised when an elder care facility has reached the level of excessive requests for non-emergency responses. Elder care facilities shall be invoiced and responsible for paying the costs of non-emergency responses as follows:

- (a) Once the expenses of a non-emergency response have been determined, the Fire Chief or his/her designee shall submit an itemized invoice for such expenses by first class mail or personal service to the responsible party. The correspondence to the responsible party shall require payment within thirty (30) days of the date of the invoice and include an appeal procedure established in this Division.
- (b) A resident of an elder care facility who received a non-emergency response shall not be billed and shall not be responsible for the expenses of the non-emergency response.
- (c) Interest shall accrue and be payable for all expenses of a non-emergency response that are not paid timely, at the rate of five (5%) percent, compounded annually.
- (d) If a responsible party submits a written appeal within the period specified in Section 14-138, delinquency penalties shall be tolled and waived during the appeal.

### **Sec 14-137 Failure to Pay**

The Treasurer's Office shall send the party responsible a delinquency notice in the event that payment is not received by the Township within thirty (30) days from the date of the invoice. The notice shall indicate that the unpaid charges may create a lien on the property receiving the benefit of the excessive non-emergency response. The Township may commence a suit to recover the unpaid amount due and shall be entitled to have all court costs and attorney fees associated with the suit included in the judgment. If the invoice remains unpaid after sixty (60) days (excluding a tolling period for an appeal), the amount of the invoice may be placed by the Township as a lien against the real property of the elder care facility to secure payment. Such lien shall be subject to the same penalties, interest, and collection procedures that are applicable to delinquent taxes as provided in Section 1-014.

### **Sec 14-138 Waivers and Appeals**

If the Fire Chief, or his/her designee, determines that the Township's assessment of a fee was in error or there were other mitigating facts that the Township did not possess at the time that the fee was assessed, the Fire Chief, or their designee, may waive imposition of the fee.

A responsible party subject to a fee under this division may submit an appeal to the Fire Chief at the address listed on the notice or invoice for submission of appeals. The following provisions shall apply to all appeals:

- a) The appeal must be submitted in writing and submitted within twenty (20) days after the date of the first notice or invoice for the fee.
- b) The appeal must include the appellant's reasoning as to why the fee should be reconsidered.

- c) Appeals arguing cost or the policy underlying this division shall not constitute sufficient reasons to warrant reversal of the fee.
- d) Appeals are limited to:
  - 1. Whether information obtained by the Township was inaccurate or incomplete and if accurate and complete information been obtained, a different determination would have been made; or
  - 2. Whether the fee assessed to the facility should have been reduced by amounts paid to the Township for the response from other sources, if payments from other sources resulted in the Township receiving revenue that exceeded its actual costs as calculated pursuant to the criteria set forth in this chapter.
- e) The Fire Chief or designee will review all information provided with the appeal and issue a decision in writing to the appellant within sixty (60) days.
- f) Unless an appeal is timely submitted in accordance with this section, any fee assessed under this division shall be final.

**Sec. 14-139 Corrective Action Plan**

An elder care facility receiving two (2) or more invoices for excessive non-emergency responses in any given year, shall be required to provide the Fire Department with a corrective action plan on how they will prevent future requests for excessive non-emergency responses.

**Section 2 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 3 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 January 26, 2026.

CHARTER TOWNSHIP OF WATERFORD

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Date \_\_\_\_\_ By: \_\_\_\_\_  
Kim Markee, Township Clerk