

**VILLAGE OF CONCORD
POLICE, FIRE AND RESCUE INCIDENT COST RECOVERY ORDINANCE
ORDINANCE #164-A1**

An Ordinance to establish the basis for reimbursement of charges, costs and fees incurred by the Village of Concord for providing certain emergency police, fire, and rescue services for non-residents on public and private roadways or private property within the Village of Concord; to establish the basis for reimbursement of charges, costs and fees incurred by the Village of Concord for having to respond to false alarms, illegal fires and non-resident services; and to establish the basis for collecting costs and fees.

THE VILLAGE OF CONCORD ORDAINS:

Section 1 - Title:

This Ordinance shall be known and may be cited as the “Village of Concord Police, Fire, and Rescue Incident Cost Recovery Ordinance.”

Section 2 – Purpose:

Pursuant to authority granted by Michigan law, including but not limited to Public Act 102 of 1990 (MCL 41.806[a]), this Ordinance is adopted for the purpose of providing reimbursement to the Village of Concord and other emergency service providers who respond to an emergency situation at the request of the Village, for the costs and expenses of certain emergency responses within the Village of concord.

Section 3 – Definitions:

A. “**Alarm**” shall mean the giving, signaling or transmitting to a public police station, fire station, 911 central dispatch, the Village office, or to an officer or employee thereof, whether by telephone, spoken word, or otherwise, information to the effect that a condition exists at or near the place indicated by the person giving, signaling or transmitting such information, which is reasonably perceived by the person receiving such information, to require an emergency response by the Village.

B. “**Emergency Response**” shall mean providing, sending, or utilizing, through any means, police, firefighting, emergency medical services, rescue services or related services and personnel by the Village, or by any other municipality, corporation, or individual operating at the request or direction of the Village, to an incident which actually threatens or is believed to threaten, directly or indirectly, the health, safety, or welfare of individuals or property within the Village. Such incidents shall include but are not specifically limited to vehicular accidents and fires, vehicular extrication efforts, boating accidents, water rescues, or any accident involving any sort of vehicle or mode of transportation, medical rescue responses, or any hazardous condition which threatens the property or the life or liberty of individuals within the Village of Concord, and any investigation in connection with such fire, accident or hazardous condition.

C. “**Emergency Response Expenses**” shall mean all charges, costs and fees incurred by the Village and others, including those incurred by other agencies, including but not limited to other governmental units and other individuals who respond to the emergency at the request or direction of the Village, including mutual aid responses. These costs include reasonable charges for the use of fire and police equipment, emergency vehicles and any other vehicles, the salaries and wages of the Village and other personnel responding to, investigating, preparing reports concerning the incident and other reasonably related costs. The expense of an emergency response shall also include all reasonable attorney

fees and costs incurred in collecting those charges, costs and fees authorized by this Ordinance and as set forth in the Fee Schedule adopted by the Village Council. In the event that charges of other governmental units are included in the charges recovered by the Village, such shall be paid to the unit or person who actually provided the services.

D. **“False Alarm”** shall mean the reporting of an alarm for which the reporting person knows no emergency exists and no response is needed.

E. **“Illegal Fire”** shall mean a fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a “no burning” ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God (i.e. lightning storm).

F. **“Non-Resident”** shall mean any person who, at the time and date of an emergency response as defined herein, for whose benefit the response has been made by the Village, is not currently residing in or named on the current tax assessment roll for the Village of Concord or Concord Township.

G. **“Village”** shall mean the Village of Concord, its’ Council, President and officers.

Section 4 – Liability for Expenses of an Emergency Response:

A. Non-residents who have insurance to cover the costs of an emergency response shall be liable to the Village and other responders called to the scene by the Village for the costs, fees, and expenses incurred by them in responding to the emergency. The amount of liability shall be determined by the fee schedule adopted by the Village Council, or the schedule of the other emergency responders.

B. Any non-resident who shall deliberately cause to be made a false alarm with actual knowledge that no condition exists which requires an emergency response and in which the Village incurs the expenses of an emergency response, shall be liable for the costs of that response, as those costs are defined herein. There shall be no liability for the costs of an emergency response to an alarm which is not deliberately caused to be made unless more than three such false alarms are received within a 365-day time period, after which the Village may charge for the costs of any such emergency response made, in accordance with this Ordinance.

C. The Village Council shall, by resolution, adopt a schedule of fees and costs to be charged, which reflect the expenses of an emergency response. The schedule in effect at the time of the emergency shall be used to determine the cost of that particular emergency response. However, the costs of a responder other than the Village shall be determined by the responder’s schedule, if different than that of the Village. This schedule may be changed from time to time by resolution of the Village Council. The schedule shall include an hourly rate for the use of Village police, fire and emergency equipment and motor vehicles, as well as an hourly wage schedule for police, fire and emergency personnel. This schedule shall be available to the public from the Village Clerk’s office.

D. The Village shall issue a written invoice to the responsible person or persons for the expenses of the relevant emergency response, or to the perpetrator(s) of a false alarm requiring an emergency response, as soon as practical after the incident. The invoice shall be due and payable within 30 days from the date of mailing.

E. Properties and services exempt from the foregoing assessable costs are emergency fire responses caused by or involving municipal, school district, or state owned buildings, grounds, or

property, and emergency fire and specialized response resources expended outside the Village limits under a mutual aid agreement with another governmental unit.

Section 5 – Methods of Collection & Placement of Liens Upon Property Located Within the Village:

The Village is hereby authorized to take any legal action necessary to recover the emergency response costs, including applicable costs, penalties or interest, billed in the event the entity responsible for the costs refuses to pay such within the time specified herein. If the cost is not paid within the prescribed time, the Village treasurer is authorized to place a lien on any property owned by the responsible party.

Section 6 – Conflicting Provisions:

All other Village ordinances or parts of ordinances conflicting with any part of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7 – Effective Date:

This Ordinance is declared to be adopted pursuant to the police powers of the Village and therefore, shall become effective upon the publication of this Ordinance as provided for by state law.

Members present: Sunday, Schafer, Adams, Colburn, Ropp, Bush & Lovitt

Ayes: Sunday, Schafer, Adams, Colburn, Ropp, Bush & Lovitt

Nays: None

Dated: May 13, 2008



Village President



Village Clerk

Published in The County Press (Originally) on April 16, 2008.

AFFIDAVIT OF PUBLICATION

In the Matter of: **Village of Concord**
Ordinance No. 16

CAROLE J. RICE, being first duly sworn, says of the **COUNTY PRESS**, a newspaper published for the dissemination of local or transmitted in general character and legal news, which is a newspaper, in which the order was published.

March 18 A.D., 2009
A.D.,
A.D.,
A.D.,

Signed Carole J. Rice

Subscribed and sworn to before me
of April A.D., 20

Sheila
Notary Public, Jackson County

My commission expires Nov 5

Legal Hearing

An Ordinance to repeal Village of Concord Ordinance #117 entitled "Ordinance for the Organization of the Concord Fire Department" dated July 2, 1957.
At a regular meeting of the Council of the Village of Concord held on March 10, 2009, the following Ordinance was heard and passed:
THE VILLAGE OF CONCORD ORDAINS:
Village of Concord Ordinance #117 entitled "Ordinance for the Organization of the Concord Fire Department" dated July 2, 1957, is hereby repealed.
This Ordinance shall become effective 30 days after publication thereof.
Ayes: Sunday, Schafer, Adams, Colburn, Ropp and Bush.
Nays: None.
Dated: March 11, 2009

Nancy Salvatore, Clerk

VILLAGE OF CONCORD
JACKSON COUNTY, MICHIGAN
ORDINANCE #165

Legal Notice

Classified

SHEILA DELP
Notary Public - Michigan
Jackson County
My Commission Expires Nov 5, 2010
Acting in the County of JACKSON