Chapter 12: **Emergency Services**

**State Law References:** Police and Fire Protections, MCL 41.806a et. seq. emergency police or fire service; emergency ambulance and inhalator service; ordinance authorizing collection of fees

**Article I. In General**

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* + - 1. **12-1. Purpose of article.**

The St. Joseph Charter Township Board of Trustees desires to protect itself from expenses and costs resulting from responses to incidents involving hazardous materials.

In the best interest of public health, safety and welfare the township adopted an Ordinance Under MCLA 41.806a authorizing the recovery of these kinds of expenses.

* + - 1. **12-2. Definitions.**

*Hazardous materials* shall mean any materials classified as hazard by any federal, state or local law, regulation, or authority, and shall include, but not be limited to any chemical that is a combustible liquid, flammable gas, radioactive materials, explosive, flammable, poison, organic peroxide, oxidizer, pyrophoric, unstable reactive, or water reactive, electrically charged vehicles or material, or any other material that can cause serious disease or injury to humans, property or the environment.

*Hazardous materials incident* shall mean an accident, emergency, activity, or other occurrence where a release of hazardous materials occurs or where there is a present danger of the release of hazardous materials. For purposes of this definition, RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leeching, dumping, disposing or other spreading of materials.

Cleanup of contaminated sites resulting from any hazardous materials release. (1993 Code, $7.6).

*Recoverable expenses* shall mean, in connection with an Incident, all actual costs or expenses incurred by St. Joseph Charter Township as a primary provider or as a MUTUAL AID provider, or when MUTUAL AID is formally requested by the authorized response agency, including but not limited to each of the following:

Charges for police officer time, vehicles and disposable supplies.

Charges for each fire department vehicle including but not limited to pumpers, ladder trucks, tankers, rescue squads, brush units, command units and other vehicles. Hourly rates for these charges shall be established by resolution and reviewed on an annual basis.

Replacement costs for equipment that is contaminated or damaged beyond reuse or repair (such as turn-out gear or self-contained breathing apparatus).

All personnel-related expenses incurred, including but not limited to wages, salaries, fringe benefits, and insurance for full or part-time personnel, overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on-call fire personnel. These personnel-related expenses will commence when the public safety department has begun responding to the Incident and shall continue until all personnel have concluded the Incident related responsibilities.

Expenses of decontaminating and cleanup of property and/or equipment.

Technical consulting services specifically required as a result of the Incident, including but not limited to technical experts or specialists not otherwise available.

Laboratory costs of analyzing samples taken during the Incident.

Costs of cleanup, storage or disposal of the released Hazardous Materials.

Medical and Hospital expenses incurred as a result of the Incident.

Legal, engineering, accounting, billing, collection and other administrative expenses incurred as a result of the Incident, including but not limited to efforts to recover expenses pursuant to this Ordinance.

*Responsible party* shall mean, in connection with an Incident, any individual or entity that participated in, or whose actions or inactions were a proximate cause of an Incident, and any individual or entity that is an owner, tenant, occupant or holder of any interest in real estate, buildings, equipment or other real or personal property onto which or from which Hazardous Materials were released.

* + - 1. **12-3 User fee collection for emergency services.**
         1. The township Emergency Safety Services Departments shall initiate user fees for the delivery of Emergency Safety Services Department services, personnel, supplies and equipment to the scene of motor vehicle, rail, air, or waterway accidents of individuals not owning property or paying property taxes for police, far and ambulance or Emergency Safety Services members or mutual aid jurisdictions of Berrien County, Michigan. The rate of the user fees shall be that which is the usual, customary and reasonable cost (UCR), which includes any services, personnel, supplies and equipment and may fluctuate based on the needs of response.
         2. The user fee shall be initially filed to the responsible individual’s insurance, representing an add-on-cost of the claim for damages of the vehicles, property and/or injuries. The claim costs shall be filed to the insurance company, the owner of the vehicle, owner of property, or responsible parties.
         3. Fees will be based on the actual current cost of labor, supplies, and equipment at the time of the incident.
         4. All amounts collected as a result of this Ordinance shall be placed into a fund as established by the Finance Director to be used exclusively for personal, supplies and equipment as established for the Emergency Safety Services Departments.
         5. In addition to the foregoing, the St. Joseph Charter Township Board of Trustees may pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction to collect the charges imposed under $$93.15 et seq. The recovery charges imposed under $$93.15 et seq. does not limit the liability of the responsible party or parties under any other local ordinance, or state or federal law, rule, or regulation, which may include, but not limited to, the cleanup of contaminated sites resulting from any hazardous materials release. (1993 Code, 7.6)

**12-4 Recovery of expenses.**

All responsible Parties in connection with a Hazardous Materials Incident (Including Berrien County Taxpayers) shall be responsible to St. Joseph Charter Township for the Recoverable Expenses relating to the Incident. This responsibility shall be in addition to any other penalties, obligations, or remedies provided by law. The liability of Responsible Parties under this Ordinance shall be strict, joint and several, and without regard to fault.

(Ord. No. 2016-17, 11-21-2016)