

**CONSTRUCTION REGULATIONS AND HOUSING**

**101.000      EMERGENCY SERVICE FEES ORDINANCE  
ORDINANCE NO. 268**

Adopted:      January 8, 2024  
Effective:     February 15, 2024

An Ordinance to establish fees for certain Township emergency services; to provide methods for the collection of such fees; to provide for exemptions therefrom; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**A.      Purpose.**

This Ordinance is adopted for the purpose of providing financial assistance to Cooper Charter Township to help defray the costs of providing certain specified types of fire protection and other emergency services from those receiving direct benefits from those services.

**B.      Charges Imposed Upon a Responsible Party or Parties.**

A recipient or beneficiary of any of the enumerated fire emergency services set forth in Subsection C of this Ordinance rendered in Cooper Charter Township by or on behalf of the Cooper Charter Township Fire Department, its successor, or any other fire department serving Cooper Charter Township shall be responsible for payment to Cooper Charter Township of charges for the actual cost of providing such services in accordance with the provisions of this Ordinance, including but not limited to costs incurred for incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall include, but are not limited to:

1.      All personnel related costs and fees incurred by the Township as a result of responding to the incident. Such costs include, but are not limited to, the responding person's wages, salaries and fringe benefits; overtime and pay-related fringe benefit costs for hourly employees; and fire run fees paid to on-call emergency services personnel. Individual salaries shall be apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to response and continuing for each personnel until that person has concluded his or her incident-related responsibilities.

2. The equipment costs of all equipment attending, as established by an itemized resolution of the Township Board, setting forth the costs attributable to each piece of fire department equipment which might be involved in such a response. The resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.
3. Other expenses incurred by the Township including but not limited to, rental or purchase of additional machinery or equipment, retention of consultants, medical and hospitalization costs, replacement costs related to disposable personal protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the incident.
4. Additional charges imposed by any other local, state, or federal government entities related to the incident.
5. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures, which shall not exceed 25 percent of the total amount of the foregoing costs.

**C. Services for which Charges are Imposed.**

The fire and emergency services fee calculated in accordance with Subsection B of this Ordinance shall be imposed for Fire Department and other Township services rendered in the following types of emergency incidents causing attendance of Fire Department personnel and/or equipment:

1. Incident involving spills onto a public or private road by a vehicle or trailer of hazardous materials if such quantity requires Fire Department assistance in either removing the material from the road or in limiting access to the road until the material is removed. Hazardous materials are defined in the Cooper Charter Township Hazardous and Regulated Substances Ordinance.
2. Fires caused by the illegal presence at the site of (a) methamphetamine or any other controlled substance as defined under MCL 333.7104(2) or (b) chemicals and/or equipment being used for the illegal production of such a controlled substance.

3. Emergency Fire Department stand-by requested by the Kalamazoo County Sheriff's Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under MCL 333.7104(2) is being illegally kept or produced.
4. A grass, brush or debris fire or bonfire not authorized or permitted by Township Ordinance or by any required permit from the Fire Department.
5. A fire or potential fire caused by a firework display not authorized or permitted by Township Ordinance or state statute.
6. A fire caused by proven or admitted arson by the owner of the premises or item subject to the fire.
7. Incident involving a downed power line or gas leak. Emergency services personnel-related charges for responses to these types of incidents shall commence after the first hour the fire department has responded to the incident and shall continue until all Township personnel have concluded personnel-related responsibilities.
8. Incident involving spills onto a public or private road by a vehicle or trailer of non-hazardous materials of such quantity as to require fire department assistance in either removing the material from the road or in limiting access to the road until the material is removed.
9. A vehicle accident involving a vehicle owned by a party who neither resides in the Township nor owns real property within the Township. Notwithstanding Subsection G, the imposition of a fire emergency services fee for response to this type of incident shall be limited to those beneficiaries that neither own real property within the Township nor reside within the Township.
10. Structural fires.
11. False alarm (i.e., an emergency services call to a site when no actual emergency exists), if there have been three (3) or more prior false alarm calls to the same property within the past year.

**D. Exemption.**

All federal, state, county, municipal and other public bodies shall be exempt from the foregoing charges.

**E. Non-Exclusive Charge.**

The foregoing charges shall not be exclusive of other charges that may be made by the Township for the costs and expense of maintaining a fire department and/or for contracting for fire protection service but shall only be supplemental thereto.

**F. Billing Procedures.**

Following the conclusion of the incident for which charges may be imposed, the chief of the responding fire department or his designee shall submit a detailed listing of all known expenses to the Township Clerk, who shall prepare an invoice to the responsible party(ies) for payment. The Clerk's invoice shall demand full payment within forty-five (45) days of receipt of the bill. Any additional expenses that become known to the chief of the responding fire department following the transmittal of the bill to the responsible party(ies) shall be billed in the same manner on a subsequent bill to the responsible party(ies). For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof.

**G. Multiple Beneficiaries.**

When a particular emergency service of the type enumerated in Subsection C above benefits more than one person or property, the owner of each property so benefited, and each person so benefited shall be liable for the payment of the full charge for such service outlined herein. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that (1) caused the incident requiring services of one or both of the Township's fire service providers; (2) is an owner and/or occupant of or party in control of property for which services were provided; (3) is the owner or lessee of the vehicle or trailer from which the materials involved in the incident were released or spilled; (4) in the case of an incident involving a false alarm call, the owner and/or lessee of the property which was the subject of the call.

**H. Severability.**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

**I. Effective Date and Repeal of Conflicting Ordinance.**

This Ordinance shall take effect 30 days after publication of adoption. All Ordinances or parts of Ordinances in conflict herewith are repealed.

[Ord. No. 268, eff 02/15/2024]