

# VILLAGE OF ALMONT

## ORDINANCE NO. 188 EMERGENCY SERVICES COST RECOVERY ORDINANCE

An ordinance to provide for the assessment and collection of fees to recover the costs of providing certain emergency services.

### THE VILLAGE OF ALMONT ORDAINS:

#### **Section 1. Title**

The title of this ordinance shall be the “Village of Almont Emergency Services Cost Recovery Ordinance.”

#### **Section 2: Purpose**

It is the purpose of this Ordinance to provide for the assessment and collection of fees for certain emergency services in an amount commensurate with the cost of services provided.

#### **Section 3: Definitions**

The following definitions shall apply in the interpretation of this Ordinance:

##### ***A. EMERGENCY RESPONSE OR SERVICE***

A response made by an employee of the Village of Almont or its designated agent or representative to an emergency incident or a call for assistance to an emergency response.

##### ***B. EMERGENCY SERVICE FEE***

The costs incurred by the Village for providing emergency public safety or public works services to a non-resident within the Village, including, but not limited to:

1. Direct costs or expenses incurred by the Village (including out of pocket expenses, equipment rental or use costs, costs to hire or utilize a specialized company or firm, and any other similar expense) in relation to an emergency response.
2. Costs incurred by the Village to compensate its employees during an emergency response (including labor costs, fringe benefit costs, and any other similar expense).
3. Legal fees, engineering fees, consultant fees, and supply/material costs related to an emergency response.
4. Costs incurred by the Village to account for and bill for the recovery of costs related to an emergency response and/or any fee administered by a third party agency to collect emergency service fees on behalf of the Village.

***C. NON-RESIDENT***

A person or entity that does not either reside within the Village of Almont or pay property taxes to the Village of Almont.

***D. RESPONSIBLE PARTY***

Any individual or entity that causes an emergency response as described herein as a result of that individual or entity's negligence.

**Section 4: Liability for Emergency Response Service Fee**

An emergency service fee, as defined herein, shall be assessed against any responsible party whose negligence causes emergency services (including, but not limited to, police services and public works services) to be provided to their self or to other people or to any property as a result of an accident involving any motor vehicle, trailer, aircraft, boat, snowmobile, watercraft or other vehicle owned and/or operated by said responsible party whenever such an incident requires more than two (2) hours of staff labor and whenever the responsible party is a non-resident of the Village of Almont.

**Section 5. Invoice for Emergency Services**

Whenever it is determined by the Village Manager or his/her designee that a person is a responsible party for an emergency service an invoice for an emergency service fee shall be delivered via first class mail to the responsible party. The invoice shall be due and payable within sixty (60) days of the date the invoice is mailed.

**Section 6. Collection of Emergency Service Fee**

The Village may pursue any legal remedy or initiate any appropriate action or legal proceeding to collect an emergency service fee assessed under the provisions of this ordinance. The recovery of assessable costs does not limit the liability of a responsible party to any other applicable local, state or federal law nor liability to any other person or entity.

**Section 7. Exempted Individuals/Entities**

A person or entity that resides in or has a principal office or place of business within a political subdivision or local government that has entered into a police services contract with the Village of Almont shall not be subject to the provisions of this ordinance.

**Section 8. Right of Appeal**

Any person or entity that is determined to be a responsible party, as defined by this ordinance, and subsequently receives an invoice for an emergency services fee may file an appeal to the Village Manager in writing to have the emergency service fee reduced or eliminated. The appeal must be received by the Village no more than twenty-one (21) days after the date the invoice was mailed to the responsible party.

The appeal shall specify the reason for the appeal, why the individual or entity filing the appeal is not responsible for causing an emergency response, and why the fee should not be assessed.

The filing of any appeal shall temporarily suspend the enforcement and collection of an emergency service fee until the Village Manager has made a final determination as to whether the responsible party should or should not be assessed any fees.

The Village Manager, upon receiving any appeal, shall issue a determination within ten (10) business days. The determination rendered by the Village Manager shall be final and binding upon the responsible party.

### **Section 9. Repeal of Conflicting Ordinances**

Excluding Ordinance No. 154 (which shall apply to any individual or entity, whether a resident or non-resident), being the Village of Almont Hazardous Materials Ordinance, any ordinance in conflict with the provisions of this ordinance is hereby repealed, to the extent of the conflict.

### **Section 10: Severability**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is ruled unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the rest of the ordinance shall remain in full force and effect.

### **Section 11. Effective Date**

This ordinance shall become effective upon its date of publication.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance was adopted at a Regular Meeting of the Almont Village Council held on November 5, 2013 and was published in the *Tri-City Times* on November 13, 2013.

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Kimberly Keesler  
Village Clerk

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Steve Schneider  
Village President