

**TOWNSHIP OF HOWELL
LIVINGSTON COUNTY, MICHIGAN
ORDINANCE #174**

**ORDINANCE FOR EXTRAORDINARY EMERGENCY INCIDENT AND INCENDIARY
FIRE RESPONSE COST RECOVERY**

An Ordinance to establish charges for purposes of reimbursement and fees for service pursuant to MCL 41.806a, Act 102 of Public Acts of 1990, as amended, for Howell Area Fire Authority fire and emergency response services to extraordinary emergency incidents and incendiary fires and to provide methods for the collection of such charges.

THE TOWNSHIP OF HOWELL ORDAINS:

Section 1. PURPOSE

This Ordinance is created to ensure that the party responsible for an extraordinary emergency incident or incendiary fire is responsible for the clean-up, mitigation, and recoverable expenses incurred by the Howell Area Fire Authority in its response and mitigation of the incident. In the event the liable party does not or cannot perform such clean-up in a reasonable time, as determined by the Fire Chief of the Howell Area Authority, the Fire Chief of the Howell Area Fire Authority shall perform or cause to be performed clean-up and mitigation of the extraordinary emergency incident or incendiary fire. The liable party shall be financially responsible for any and all recoverable expenses.

Section 2. EXTRAORDINARY EMERGENCY INCIDENT DEFINED

For purpose of this Ordinance, “extraordinary emergency incident” means an emergency incident which requires a greater amount of firefighters, equipment, supplies, and/or personnel hours than were required to respond to ninety percent of the Howell Area Fire Authority’s incidents in the prior fiscal year.

Section 3. INCENDIARY FIRE DEFINED

For purposes of this Ordinance, “incendiary fire” is any fire intentionally set or caused to be set by any human being or entity, whether by their own act, or in concert with another, or with mechanical assistance, regardless of whether said fire was set with incendiary materials or fuels or ignited merely by applying flame or heat to any substance.

Section 4. RESPONSIBLE PARTY DEFINED

A responsible party is any individual, sole proprietorship, partnership, joint venture, trust, firm, joint stock company, corporation including government corporation, association, local unit of government, commission, the state, a political subdivision of the state, an

interstate body or any other legal entity that owns, controls, leases, or accepts for transport, storage, treatment or disposal the property involved in the extraordinary emergency incident, and/or was found responsible by a court of competent jurisdiction for setting a incendiary fire.

Section 5. CHARGES IMPOSED UPON RESPONSIBLE PARTY

A responsible party or responsible parties are jointly and severally liable for and shall be required to reimburse the Township of Howell and/or the Howell Area Fire Authority for all costs incurred in responding to an extraordinary emergency incident or incendiary fire, including but not limited to:

- a. Costs or expenses incurred by the Howell Area Fire Authority, its fire department, and the Township of Howell, as well as any other fire department, police agency, emergency medical service agency, public service or public works department, technical or specialty rescue response team, private contractor and any other entity whose assistance is requested by or contracted for the Howell Area Fire Authority, including all actual expenses attributable to the response, mitigation of the incident and clean-up, including all actions deemed necessary by the Howell Area Fire Authority Fire Chief to preserve the public safety, including the costs of equipment, operations, personnel, materials utilized, meals and overtime costs for personnel, medical expenses for any injuries resulting to response personnel, costs of specialists, experts, contractors and consultants, legal fees, engineering fees, water costs, rental or purchase of machinery and/or equipment, costs related to canine response, costs related to the repair or replacement of any equipment or apparatus damaged in the course of the response, costs incurred by any agency whose response is requested by the Howell Area Fire Authority Fire Chief pursuant to any mutual aid agreement, and any other incidental costs of the Howell Area Fire Authority and the Township of Howell, incurred because or related to the response to the extraordinary emergency or incendiary fire.
- b. Charges to the Howell Area Fire Authority, the Township of Howell or either's agencies imposed by any local, state or federal government entities related to the extraordinary emergency incident or incendiary fire.
- c. Costs incurred by the Howell Area Fire Authority or the Township of Howell in accounting for extraordinary emergency incident or incendiary fire expenditures, including billing and collection costs, court costs, and actual attorney fees. If a responsible party or parties fail to pay charges assessed under this ordinance, and a collection action is subsequently filed, the responsible party or parties shall be responsible for any and all actual costs incurred by the Howell Area Fire Authority and/or the Township of Howell in the course of such collection action.

Section 6. BILLING PROCEDURES

Upon the occurrence of an extraordinary emergency incident or a determination of responsibility for incendiary fire, the Fire Chief of the Howell Area Fire Authority shall prepare and deliver or cause to be delivered an invoice of the charges imposed by Section 5 to the responsible party or parties for payment. The responsible party or parties shall reimburse the Township of Howell and/or the Howell Area Fire Authority, as directed by the invoice, for the charges set forth in the invoice within thirty (30) days. For any amounts due that remain unpaid after thirty (30) days, the responsible party or parties shall be responsible for any and all actual costs incurred by the Howell Area Fire Authority and/or the Township of Howell in the course of such collection action, as further addressed in Section 5 c of this ordinance.

Section 7. OTHER REMEDIES

The Township of Howell and/or the Howell Area Fire Authority may pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit the liability of responsible parties under any other local ordinance or state or federal laws, rules, or regulations.

Section 8. SEVERABILITY

Should any provisions or part of this Ordinance be declared by any court of competent jurisdiction be invalid or unenforceable, such finding shall not affect the validity or enforceability of the remainder of this Ordinance.

This Ordinance shall take effect immediately upon publication; adopted by the Howell Township Board June 7, 2004.

(Ord. No. 174 eff. June 13, 2004)

