

**ORDINANCE 2011-0121-001. (Village of Edwardsburg)  
EMERGENCY RESPONSE COST RECOVERY**

A RESOLUTION OF THE VILLAGE OF EDWARDSBURG TO PLACE INTO EFFECT ORDINANCE NUMBER 2011-0121-001. TRAFFIC AND VEHICLES, EMERGENCY RESPONSE, TO ESTABLISH THE PROVISIONS FOR REQUIRING THE PAYMENT OF COSTS INCURRED BY THE VILLAGE IN MAKING EMERGENCY RESPONSES TO MOTOR VEHICLE CRASHES INVOLVING DRIVERS WHO ARE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES AND / OR A CONTROLLED SUBSTANCE OR BY DRIVERS WHO ARE FOUND AT FAULT IN A MOTOR VEHICLE CRASH.

**Findings and purpose.**

The Village determines that there is a growing need for emergency response by Village personnel and equipment from the fire and police department's, ambulance services and other Village departments, to the scene of emergencies and matters of urgent concern such as alcohol-driving arrests, medical emergencies involving life-support and transport runs to local hospitals, utility or power interruptions involving Indiana – Michigan Power, Fruit Belt or Mid-West Energy or other utility providers, where the urgency of the condition requires an immediate and sustained demand for such Village equipment and personnel.

**Definitions.**

The following words or phrases are defined as stated herein:

***Emergency response means*** the dispatch, provision, or utilization of Village personnel and/or equipment, including resultant enforcement and prosecution efforts, in emergency conditions, in any of the following:

- (1) The arrest, detention or incarceration of persons in violation of state laws or ordinances of the Village prohibiting the operation of motor vehicles while under the influence of, or while impaired by, the consumption of alcoholic beverages, or controlled substances, or combination thereof.
- (2) Emergency requests for life-support vehicles, equipment and/or personnel in the attendance or transport of persons to a hospital or other medical facility where no actual medical emergency existed, whether or not the person was transported.

(3) Emergency requests for life-support vehicles, equipment and/or personnel in the attendance or transport of persons to a hospital or other medical facility where the emergency was substantially induced or precipitated by the ingestion of alcohol or by abuse of drugs or controlled substances.

(4) The use of police or fire department vehicles, equipment or personnel at the scene of an emergency, including downed power lines caused the negligence or tortuous acts of the occupants, or their contractors and invitees, of nearby properties.

(5) The use of police department or fire department vehicles, equipment or personnel at the scene of a utility emergency involving Indiana – Michigan Power, Fruit Belt or Mid-West Energy Facilities, successor or other utilities, where Village personnel and/or equipment are required for public protection to the extent that the required use of personnel and/or equipment exceeds thirty (30) minutes from the time of the alarm.

(6) The use of police or fire department vehicles, equipment or personnel in response to:

a. A false or prank "911" call; where such call emanates from a ground phone or by a minor, the parent, guardian, person or entity in control of the premises shall also be deemed responsible under this article.

b. The use of police or fire department vehicles, equipment or personnel in response a "911" call made without good cause, by an intoxicated person or a person who has abused controlled substances, as defined in the Public Health Code.

(7) The use of police or fire department vehicles, equipment or personnel, including the "Tech Rescue Team," at the scene of individual or common disasters such building collapse, cave-ins, water rescue and the like, caused by acts or omissions which carried a clearly foreseeable risk of such disasters.

(8) The use of police or fire department vehicles, equipment or personnel, including the "SRT Team", at the scene of exigent conditions and circumstances, including but not limited to harboring of vicious animals, animal rescue, hostage/suicide events, and the like, caused by acts or omissions which carried a clearly foreseeable risk of such exigent conditions.

***Expenses of an emergency response*** means all direct costs of wages, vehicles and equipment and expendable items incurred by the Village, or a private person or corporation operating at the request or direction of the Village, when making an emergency response, and which expense are attributable to the emergency response. Included in such costs are administrative expense, attorney fees, testing, preparation of reports and other costs directly attributable, or as a result of, the emergency response.

***Person*** means an individual, corporation, association, partnership or other legal entity.

## **Liability for expenses.**

(a) Any person, as defined herein, who is responsible for, or substantially contributed to, an emergency response, shall be liable to the Village for the expenses of an emergency response, as defined herein.

(b) It shall be the duty of the Village president, or his designate, of the Village to determine if a person is liable for the expense of an emergency response upon the written report and recommendation by the head of the department claiming reimbursement. In making the determination, the supervisor or his designate, shall examine the report and recommendation, the facts and circumstances of the incident, and consult with the Village attorneys if deemed necessary. The determination of the supervisor shall be in writing, with a copy served upon the person(s) determined liable for the costs thereof.

**Exemption for expenses:** A Person or Persons living in the Village of Edwardsburg as a tax paying member of this community will be personally exempt from cost accrued due to an emergency response by Law Enforcement. Unless that responses is due to the person or persons having caused the crash response, were under the influence of, or while impaired by, the consumption of alcoholic beverages, or controlled substances, or combination thereof. Your insurance company will still be billed for the cost of the response, to an emergency but you as an individual tax payer of the Village of Edwardsburg will not be held responsible for law enforcement's response.

## **Charge against person liable; collection of debt.**

The expense of an emergency response shall be a charge against the person liable for expenses under this article. The charge constitutes a debt to that person and is collectible by the Village in the same manner as in the case of an obligation under a contract expressed or implied.

## **Cost of Recovery schedule.**

The Village board of trustees shall, by resolution, adopt a schedule of the charges for wages of personnel, equipment and vehicle use, per hour, expendable items at replacement costs, administrative and supervisory expenses, per hour, and legal fees, which shall be applied, pro-rata, in the calculation of the expense of an emergency response.

## **Invoice determination; demand for payment.**

The head of the Village department involved, shall, within ten (10) days of receiving a determination from the supervisor, or his designate, submit an itemized statement for such costs by first class mail or personal service to the person(s) liable for these expenses, within thirty (30) days from date of submission.

**Failure to pay, commencement of suit to recover costs.**

Failure by a person liable for the expense of an emergency response to pay the expense of an emergency response, as submitted by the department head, or designated representative, within thirty (30) days of service thereof, shall render such matter in default. The Village shall thereafter commence suit to recover the amount due and shall be entitled to have all court costs and attorney fees associated with such suit included within the judgment.

**VILLAGE CLERK'S CERTIFICATION**

The foregoing is a true and complete copy of an Ordinance duly adopted by the Village Council of the Village of Edwardsburg, of Edwardsburg, Michigan, at a Council meeting held on March 21, 2011, of which public notice was given pursuant to 1968 P.A. 261, as amended, being MCLA 15.251, et.seq.

MEMBERS PRESENT: Stahly, Stoner, Tighe, Hanson, Bellaire

MEMBERS ABSENT: Mackling

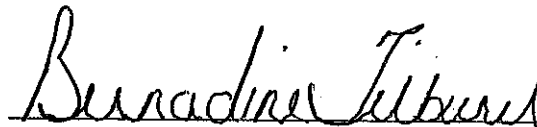
It was moved by Council Member Bellaire and supported by Council Member Tighe to adopt the Ordinance.

MEMBERS VOTING AYES: 5

MEMBERS VOTING NAY: 0

MEMBERS ABSENT: 1

**ORDINANCE DECLARED ADOPTED.**



Village Clerk  
Village of Edwardsburg