

**NORTHEAST INGHAM EMERGENCY SERVICE AUTHORITY
ORDINANCE 1 OF 2000
FEES FOR SERVICES
as amended through October 5, 2006**

An ordinance to establish charges for certain fire, ambulance, substance release and other services under Public Act 102 of 1990, as amended (Compiled Law 41.806a) and Public Act 94 of 1933, as amended (Compiled Laws 141.101 and following) and to provide methods for the collection of such charges and exemptions therefrom.

THE NORTHEAST INGHAM EMERGENCY SERVICE AUTHORITY ORDAINS:

Section 1. Purpose.

This ordinance is adopted for the purpose of establishing a fair and reasonable basis for funding emergency services within the jurisdiction of the Northeast Ingham Emergency Service Authority (hereafter referred to as "the Authority").

Section 2. Response to requests for service.

The Authority shall respond to the best of its ability to all calls for fire suppression or ambulance service to any location within its service areas, subject to the availability of appropriate equipment and personnel.

Section 3. Service charges imposed upon responsible parties.

When personnel or equipment of the Authority respond to a request for service, the costs incurred by the Authority in providing service shall be paid by the responsible parties as defined below, unless waived as provided below.

Section 4. Waiver of basic fire suppression service charges.

The Authority shall waive service charges for basic fire suppression service to any and all real or personal property for which the Authority receives emergency service taxes that are not abated or captured, in whole or in part, subject to the following:

- A. The charges waived for any one incident shall not exceed \$ 10,000.00;
- B The waiver provided by this section shall not apply to the charges for the following:
 - (1) Non-emergency services;
 - (2) Responding to areas outside the basic fire suppression service districts;
 - (3) Responding to more than two (2) false alarms in any twelve month period from any one automated alarm system;
 - (4) Responding to fires involving motor vehicles not registered to bona fide residents of the Authority.
 - (5) Responding to intentionally set fires, unless the fire department was property notified before the fire was started and there was no negligence in the supervision and control of the fire.
 - (6) Spill containment or cleanup not involving a fire;

- (7) Responding to intentionally, negligently or accidentally damaged wires, pipelines or other utility equipment not involving a fire;
 - (8) Any services rendered by non-Authority personnel or equipment, including, but not limited to hazardous materials response teams or private contractors;
 - (9) Review of architectural or engineering drawings or specifications for non-Authority structures; or
 - (10) Any other services, unless specifically determined by the Governing Board of the Authority to be subject to waiver under this section.
- C “Emergency service taxes” means ad valorem real or personal property taxes levied pursuant to Article VII of the Articles of Incorporation of the Authority.
- D “Abated” means exempt, in whole or in part, from ad valorem real or personal property taxes pursuant to Public Act 198 of 1974 or similar provisions of law.
- E “Captured” means subject to capture, in whole or in part, by any entity under any tax increment financing plan pursuant to Public Act 197 of 1975, Public Act 450 of 1980, Public Act 281 of 1986 or similar provision of law, unless the capturing entity and the Authority have entered into an agreement providing for immediate and unconditional reimbursement to the Authority of all emergency service taxes captured.

Section 5. Service rates.

Service charges shall include, and shall be calculated as follows:

- A. \$500.00 per alarm, for the first hour of fire suppression service or fraction thereof. After the initial hour the charges will be the greater of: (A) \$150.00 per hour or (B) actual cost plus 10 percent .
- B. \$500.00 per Basic Ambulance call or \$700.00 per Advanced Ambulance Call plus, in either case, \$9.00 per loaded mile for each ambulance utilized in transporting patients. An Advanced Ambulance call is any call that involves any services requiring licensing at a level higher than Emergency Medical Technician. If an ambulance responds for a patient but the patient is not transported, a response fee of \$60.00 shall be made. These charges shall be in addition to any charges assessed under the preceding subparagraph.
- C. \$125.00 for the first two (2) person hours, or fraction thereof, for services of Authority personnel in reviewing architectural, engineering, or land use drawings or specifications for non-Authority structures, plus \$45.00 per person hour after the first two (2) hours. The minimum charge for services rendered under this subparagraph shall be \$125.00.
- D. All personnel related costs incurred by the Authority as a result of providing service. Such costs may include, but are not limited to, wages, salaries and fringe benefits, insurance, and overtime pay. Such personnel related charges shall commence with the first hour or portion thereof that the fire department has responded to an incident, and shall continue until all Authority personnel have concluded incident related responsibilities.

- E. All other expenses incurred by the Authority in providing service, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to an incident.
- F. Charges to the Authority imposed by any local, state or federal government entities related to an incident.
- G. Costs incurred in accounting for and collecting all charges authorized by this ordinance, including billing and collection costs and actual attorney fees.
- H. For property for which the Authority receives industrial facility tax levied pursuant to Public Act 198 of 1974 that is not captured, the billing rate shall be reduced by fifty percent (50%) on the first ten thousand dollars (\$10,000.00) of otherwise billable charges. The maximum reduction under this subsection shall be five thousand dollars (\$5,000.00).

Section 6. Definition of “basic fire suppression service”.

“Basic fire suppression service” means using Authority personnel and equipment, other than specialized equipment as defined below, for emergency fire suppression not requiring advanced training or certification as defined below, for naturally occurring or accidental fires involving structures or grass, brush or other vegetation located within the basic fire suppression service districts of the Authority.

Section 7. Definition of “Authority personnel and equipment”.

“Authority personnel and equipment” includes only:

- A. Personnel employed by the Authority;
- B. Equipment owned, leased or controlled by the Authority; and
- C. Personnel and equipment made available to the Authority pursuant to a service agreement between the Authority and another department or agency. In such cases charges shall be governed by the agreement.

Section 8. Definition of “advanced training or certification”.

Advanced training or certification means:

For fire personnel: Any training other than Firefighter I and II or Fire Officer I, II or III as administered and certified by the Michigan Department of State Police, Firefighter Training Council.

For ambulance personnel: Any training other than Medical First Responder or Emergency Medical Technician, as administered and certified by the State of Michigan Department of Consumer and Industry Services.

Section 9. Definition of “service area”.

“Service area” means a geographic area established or modified by resolution of the Governing Board of the Authority pursuant to Article VIII(B) of the Articles of Incorporation of

the Authority.

Section 10. Definition of “specialized equipment”.

“Specialized equipment” means equipment that is of unique or disproportionate value to an identifiable geographic area significantly smaller than the entire geographic jurisdiction of the Authority or of unique or disproportionate value to a type of structure or activity not found generally throughout the entire geographic jurisdiction of the Authority. The Governing Board shall designate by resolution the specific items of Authority equipment that shall be considered specialized equipment. The designating resolution may be amended as appropriate by the Governing Board.

Section 11. Mutual aid agreements.

Charges, if any, for fire service performed or received under a mutual aid agreement with an adjoining municipality shall be governed by the terms of the mutual aid agreement.

Section 12. Definition of “party”.

“Party” means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity.

Section 13. Definition of “responsible party”.

“Responsible party means:

1. **With regard to downed utility wires, pipeline breaks or other damaged utility equipment:** Any party who is an owner of the utility equipment and/ or any party responsible for causing the damage.
- B. **With regard to false alarms:** Any party who knowingly makes any false call for emergency services or who owns or controls any automated device that makes any false call for emergency services.
- C. **With regard to ambulance calls:** Any party who makes the call for ambulance service or for whose benefit the ambulance is called;
- D. **With regard to fire calls:** Any party:
 - (1) Who intentionally or negligently causes a fire or fails to control it; or
 - (2) Who has an ownership interest in the real or personal property that is threatened by or involved in the fire.
- E. **With regard to substance releases or environmental contamination incidents:** Any party who is an owner, tenant, occupant or party in control of real or personal property onto which or from which substances or environmental contaminants are released.
- F. **With regard to all other services:** Any party who makes the call for service or whose person or real or personal property is served.

Section 14. Joint and several liability.

All responsible parties for any incident shall be jointly and severally liable for the payment of all charges.

Section 15. Billing procedures.

Emergency services: Following the conclusion of an incident, the officer in command shall submit a detailed listing of all known expenses to the Secretary/Treasurer, who shall either forward the charges to the Authority's billing agent or prepare an invoice to the responsible parties for payment. The charges shall be due and payable within thirty (30) days after mailing of the invoice. Any additional expenses that become known to the officer in command following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty (30) days, the Authority shall impose and the responsible parties shall pay a late payment charge of one and one-half percent (1.5%) per month, or fraction thereof.

Non-emergency services: For non-emergency services such as reviewing architectural, engineering or land use drawings or specifications, fees shall be collected in advance of service, whenever practical. Where it is impractical to estimate and collect the fee in advance, fees may be collected as the work progresses and/or billed under the preceding paragraph, at the discretion of the Secretary/Treasurer.

Section 16. Appeals.

Any person billed for services under this ordinance may appeal their liability or the amount of any charges billed by filing a written appeal with the Secretary of the Authority within 45 days of the date of mailing of the first invoice for the services. The written appeal shall contain a full and complete statement of the grounds of the appeal and the relief requested. The Governing Board of the Authority shall have sole jurisdiction to hear the appeal and shall have discretion to modify or waive any charges hereunder.

Section 17. Lien for charges.

The amount of any charges imposed by this ordinance and the full costs of collection thereof, including, but not limited to, court costs and actual attorney fees, shall be a lien upon the lands and premises benefitted enforceable and collectible in any manner provided by law.

Section 18. Charges not exclusive.

The foregoing rates and charges shall not be exclusive of other methods of funding the operations of the Authority. Charges may additionally be collected by the Authority through general taxation, agreements with incorporating or non-incorporating municipalities or any other means permitted by law.

Section 19. Remedies preserved.

The 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 liability of responsible parties under local ordinance or state or federal law, rule or regulation.

Section 20. No mandate, assumption or waiver.

This ordinance pertains only to recovering costs for services rendered. No portion of this ordinance shall be construed as: a mandate or commitment to provide any particular type or level of service; an assumption by the Authority of any greater duty to respond or duty of care than would otherwise be applicable; or any waiver or modification of any governmental immunity or other defense of the Authority.

Section 21. 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 effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 22. Effective date.

This ordinance shall take effect immediately upon publication.

NORTHEAST INGHAM EMERGENCY SERVICE
AUTHORITY

Signature on File

Harold Curtis, Chairman of the Governing Board

Signature on File

Paula M. Curtis, Secretary

Adopted: September 7, 2000
Amended: October 4, 2001
Amended: November 6, 2003
Amended: October 5, 2006

CERTIFICATION

I, Paula M. Curtis, the duly appointed Secretary of the Northeast Ingham Emergency Service Authority, do hereby certify as follows:

1. The foregoing is the true, accurate and complete text of Ordinance 1 of 2000 adopted by the Governing Board of the Northeast Ingham Emergency Service Authority at a regular meeting on September 7, 2000;

2. The foregoing ordinance was moved for adoption by Mr. Galbreath, supported by Mr. West, and adopted by the following vote:

Yes - 6 ; No- 0 ; Absent - 1

3. The Governing Board members voted as follows:

Yeas: Mr. Brown, Mr. Gilhouse, Mr. Galbreath, Mr. West, Mr. Curtis, Mr. Powell

Nays: None

Abstaining: None

Absent: Village of Webberville Representative

4. The foregoing ordinance was recorded in the minutes of the meeting of the governing body of the Authority on September 7, 2000; and

5. The foregoing ordinance was published on Sunday October 15, 2000, in the Enterprise, and on October 16, 2000 in the Fowlerville News and Views, newspapers circulating within the jurisdiction of the Authority.

Dated: October 10, 2000

Paula M. Curtis, Secretary