

TOWNSHIP OF COURTLAND

COUNTY OF KENT, MICHIGAN

At a _____ meeting of the Township Board of the Township of Courtland, Kent County, Michigan held in the Township Hall, 7450 – 14 Mile Road, within the Township, on the ____ day of _____, 2001, at _____ p.m.

PRESENT: Members: _____

Absent: Members: _____

The following ordinance was offered by _____ and supported by _____.

ORDINANCE NO. 01- _____

AN ORDINANCE TO ESTABLISH CHARGES FOR TOWNSHIP EMERGENCY SERVICES IN CONNECTION WITH ACCIDENTS INVOLVING DRIVERS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

Section 1. Purpose. The Township of Courtland finds that a significant number of traffic arrests and traffic accidents in the Township involve drivers who operate vehicles while under the influence of alcoholic beverages or controlled substances. In addition, the Township of Courtland finds that in traffic accidents involving drivers who were operating a vehicle while under the influence of alcohol and or any controlled substances there is a greater likelihood of personal injury, death or property damage. As a result of these determinations, a greater operational and financial burden is placed upon the Township and its Fire Department by persons operating a vehicle while under the influence of alcohol or controlled substances. Because operation of vehicles under the influence of drugs or alcohol is unlawful, the Township

Board determines it is appropriate to change the costs of emergency response to the person responsible.

Section 2. Definitions. When used in the ordinance, the following terms shall have the following meanings:

(a) **“Emergency Response”** shall mean the providing, sending and/or utilizing of fire fighting, emergency medical care, or rescue services by the Courtland Township Fire Department to an incident resulting in an accident or fire involving a motor vehicle, watercraft, snowmobile, or recreational vehicle (a “vehicle”) in which one or more of the drivers were operating the vehicle while under the influence of alcohol and/or any controlled substance.

(b) **“Responsible Person”** shall mean any person who, while under the influence of alcohol and/or any controlled substance while operating a vehicle, proximately causes an accident resulting in an Emergency Response. For purposes of this ordinance, a person is under the influence of alcohol and/or any controlled substance when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a vehicle with the caution characteristic of that of a sober person of ordinary prudence. It shall be presumed that person was operating a vehicle while under the influence of an alcoholic beverage and proximately caused an accident, if that person was tested to have an alcohol content of .07 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, if the operator was under 21 years of age, was tested to have an alcohol content of not less than .02 grams per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine. A person further shall be presumed to have been operating a vehicle under the influence of alcohol, and that such operation has proximately caused an accident, if that person pleads or is

adjudged to be guilty of any violation of State law which prohibits the operation of vehicles under the influence of alcohol or controlled substances.

Section 3. Imposition of Charges. Where the Township Fire Department or other parties or agencies of the Township government take action in connection with an Emergency Response, whether in response to a call for assistance or otherwise, the actual costs incurred by the Township in taking such action, and all actual costs relating thereto or arising therefrom, shall be imposed upon the responsible parties, whether jointly or severally, including but not limited to the following:

(a) \$_____ per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to be utilized in responding to the Emergency Response.

(b) \$_____ per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the Emergency Response.

(c) \$_____ per hour, or fraction thereof, for each additional Township-owned fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the Emergency Response.

(d) All personnel-related costs incurred by the Township as a result of responding to the Emergency Response. Such costs may include, but are not limited to, wages, salaries, and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit costs for hourly employees and fire-run fees paid to on-call firefighters. Such personnel-related charges shall commence after the first hour that the Fire Department has responded to the Emergency Response, and shall continue until all Township personnel have concluded Emergency Response related responsibilities.

(e) Other expenses incurred by the Township in responding to the Emergency

Response, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchase from municipal water systems and meals and refreshments for personnel while responding to the Emergency Response.

(f) Charges to the Township imposed by any local, state or federal government entities related to the Emergency Response.

(g) Costs incurred in accounting for all Emergency Response expenditures, including billing and collection costs.

Section 4. Billing Procedures. Following the conclusion of an Emergency Response, or at any other appropriate time, the Township fire chief shall submit a detailed listing of all known costs and expenses relating to or arising out of the incident to the Township treasurer, who shall prepare an invoice directed to the responsible party or parties, demanding payment in full for all of such costs and expenses. Such invoice shall demand such payment within 30 days of the receipt of the invoice. Any additional costs and expenses that become known to the Township fire chief following the transmittal of the invoice shall be billed in the same manner upon subsequent invoices to the responsible party or parties. For any such amounts that remain unpaid after 30 days from the date of any invoices, the Township shall impose a late charge of one percent per month or fraction thereof, though in the discretion of the Township Board, such late charge or any part thereof may be waived for good cause shown.

Section 5. Other Remedies. The Township may collect any unpaid fees by filing an action in a court of competent jurisdiction and may pursue any other remedy or may commence any appropriate action or proceeding in any court or before any administrative agency, toward the collection of the charges imposed under this Ordinance. The recovery of any such charges

shall not limit the liability of the responsible parties under local ordinance or other laws, rules or regulations. In addition, violation of this Ordinance shall be a civil infraction, subject to a fine of not less than \$100 nor more than \$500. Each day that violation of this Ordinance continues shall be a separate offense.

Section 6. Severability. Should any part or provision of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such invalid or unenforceable part or provision shall not affect the validity or enforceability of the remainder of the Ordinance, if the remainder thereof can be given effect without such part or provision thus declared to be invalid or unenforceable.

Section 7. Effective Date. This Ordinance shall become effective 30 days after publication of the Ordinance or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Marilynn Crosby
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

I, the undersigned, the duly qualified and acting Clerk of the Township of Courtland, Kent County, Michigan (the "Township") do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a _____ meeting on the _____ day of _____, 2001, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this _____
day of _____, 2001.

Marilyn Crosby, Clerk
Township of Courtland

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