

Chapter 7 EMERGENCY SERVICES

ARTICLE I. IN GENERAL

Secs. 7-1--7-30. Reserved.

ARTICLE II. EMERGENCY RESPONSE COST RECOVERY

Sec. 7-31. Purpose.

This article was enacted to ensure the party liable for an environmental incident resulting from an unauthorized release of hazardous substances is responsible for cleanup of the affected area as well as recoverable expenses incurred by the township in response to, and clean up of, the environmental incident. If the liable party does not or cannot perform such cleanup in a reasonable time, the fire marshal of the township or his designee shall perform or cause to be performed a cleanup of the environmental incident. The liable party shall be financially responsible for any and all recoverable expenses.

(Ord. No. 232, § 2, eff. 10-27-1993)

Sec. 7-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hazardous substance means one or more of the following:

- (1) "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767 and pursuant to section 20101(1)(q) of part 201 of the Michigan Natural Resources and Environmental Act, Public Act No. 451 of 1994 (MCL 324.20101(1)(q), MSA 13A.20101, (1)(q)).
- (2) "Hazardous waste" as defined in the Hazardous Waste Management Act, Public Act No. 64 of 1979 (MCL 229.501 et seq., MSA 13.30(1) et seq.), now part III of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.11101 et seq., MSA 13A.11101 et seq.).
- (3) "Liquid Industrial Waste" as defined in section 1 of Public Act No. 61 of 1995 (MCL 324.12101(k), MSA 13A.12101, (k)).
- (4) "Petroleum" as defined in the Leaking Underground Storage Tank Act, Public Act No. 478 of 1988 (MCL 299.831 et seq., MSA 14.528(261) et seq.), now part 213 of the National Resources and Environmental

Protection Act, Public Act 451 of 1994 (MCL 324.21301a et seq., MSA 13A.21301a et seq.).

- (5) A chemical or other material which is, or may become, injurious to public health, safety or welfare of the environment.

Release includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous substance into the environment or the abandonment or discarding of barrels, containers and other closed receptacles containing a hazardous substance.

Responsible party means 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, the federal government, a political subdivision of the federal government or any other legal entity that owns, controls, accepts for transport, storage, treatment or disposal, any hazardous substance released into the environment or ignited an unauthorized burning.

(Ord. No. 232, § 3, eff. 10-27-1993)

Sec. 7-33. Charges imposed upon responsible party.

A responsible party or parties are jointly and severally liable for, and shall be required to reimburse the township for, all costs incurred in responding to a release of hazardous substances but not limited to:

- (1) Costs or expenses incurred by the township fire and police departments, public service departments, hazardous response teams and other public safety officials and/or any other departments or agencies contracted by the township to supply services, including all actual expenses attributable to the response, control, or abatement of any hazardous substances release or threatened release, including costs of equipment operations and personnel, costs of materials utilized, meals for all personnel involved in the incident, costs of specialists, medical expenses for exposure, injuries or illnesses resulting from an incident, experts or other contract labor, costs incurred by other area fire, police or hazardous material response teams requested through mutual aid agreements with the township or its agents, if any, and any other incidental costs incurred by the township as a result of the release.
- (2) Other expenses incurred by the township or its agents in responding to the hazardous substances release, 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 and water purchased from municipal water systems.
- (3) Charges to the township or its agencies imposed by any local, state or federal government entities related to hazardous substances.
- (4) Costs incurred in accounting for all hazardous substance release and related expenditures, including billing and collection costs and attorney fees.

(Ord. No. 232, § 4, eff. 10-27-1993)

Sec. 7-34. Billing procedures.

Upon the occurrence of a hazardous substance release incident, the fire marshal of the township, or his designee, shall prepare and cause to be delivered, an invoice of the charges imposed by section 7-33 to the responsible party or parties for payment. The responsible parties shall reimburse the township for charges set forth in the invoice within 30 days of mailing. Any amount remaining unpaid 30 days after billing shall be referred for collection as outlined in section 7-35.

(Ord. No. 232, § 5, eff. 10-27-1993)

Sec. 7-35. Other remedies.

The township 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 article. The recovery of charges imposed under this article does not limit liability of responsible parties under local ordinances or state or federal laws, rules or regulations.

(Ord. No. 232, § 6, eff. 10-27-1993)

Secs. 7-36--7-50. Reserved.

ARTICLE III. FALSE ALARMS

Sec. 7-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means an assembly of equipment and devices or a single device, arranged to signal the presence of a hazard requiring urgent attention and to which police and/or fire personnel are expected to respond.

False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employee or agent, but shall not include an alarm caused by a hurricane, tornado, earthquake or other violent condition beyond the control of the owner or lessee of an alarm system or of their employee or agent.

Initiate a response or a response initiated means the dispatch of one or more persons by the township to respond to a call for a police or fire services.

(Ord. No. 233, § 2, eff. 1-1-1999)

Sec. 7-52. False alarm fee.

Any person who owns, uses, leases, installs or directs the installation of an alarm system or owns, occupies, leases or controls the property from which a false alarm is

initiated, shall pay the clerk of the township the service charge provided for in section 7-56, when an alarm is activated and a response initiated by the township police and/or fire department, if any of the following circumstances exist:

- (1) The township police initiate a response to the location from which the false alarm was initially activated and there is no evidence of illegal entry or an attempt to gain entry;
- (2) The township police and/or fire department initiate a response to the location from which the false alarm was initially activated and there is not evidence of fire or hazardous fumes;
- (3) The township police and/or fire department initiate a response to the location from which the false alarm was initially activated due to a malfunction in the system;
- (4) The township police and/or fire department initiate a response to the location from which the false alarm was initially activated which activation was caused by a mistake;
- (4) The township police and/or fire department initiate a response to the location from which the alarm was initially activated which false alarm was activated by a person working on the alarm system, where the township police and fire department were not previously notified.

(Ord. No. 233, § 3, eff. 1-1-1999)

Sec. 7-53. Automatic dialing prohibited.

No person shall install or use a device or combination of devices which will, upon activation, either mechanically, electronically or by other means, initiate the automatic intrastate calling, dialing or connection to any telephone number assigned to the township police department, public safety department, fire department or the 911 emergency number which connects or assigns the call to the department or its dispatchers.

(Ord. No. 233, § 4, eff. 1-1-1999)

Sec. 7-54. Automatic shutoff required.

All alarms systems installed which emit a signal audible beyond the boundaries of the property protected must have an automatic shutoff feature which silences the audible portion of the alarm not more than 15 minutes after being activated. All persons shall terminate the use of existing alarm systems that lack this automatic shutoff feature with 60 days after January 1, 1999.

(Ord. No. 233, § 5, eff. 1-1-1999)

Sec. 7-55. Due care in operation required.

Every alarm user shall exercise due care to install, maintain and use every alarm system so as to avoid its signaling false alarms. Every alarm user shall diligently instruct, supervise and control those having access to the alarm system and the alarmed

premises and shall take all reasonable steps to prevent the system from signaling false alarms.

(Ord. No. 233, § 6, eff. 1-1-1999)

Sec. 7-56. Fee schedule.

The service charge to be imposed by the township for its responding to a false alarm, as provided for under section 7-52, shall be determined by resolution of the township board of trustees, which charge shall not exceed the expenses incurred by the township in responding to a false alarm.

(Ord. No. 233, § 7, eff. 1-1-1999)

Sec. 7-57. Notice; administrative review.

- (a) The director of public safety shall provide to the clerk of the township the following information:
 - (1) Name and address of person to be charged.
 - (2) Date, time and place at which the false alarm occurred.
- (b) The clerk shall send notice of the service charge by ordinary mail. Payment, if any, shall be payable to the clerk of the township within 30 days of invoice. Funds so received shall be credited to the general fund. In the event of a dispute regarding the charge, the person so charged may seek a review of the charge with township board of trustees, who, by a majority vote of those voting, shall determine by a preponderance of the evidence whether the facts warrant the service charge provided pursuant to this article.

(Ord. No. 233, § 8, eff. 1-1-1999)