

CHARTER TOWNSHIP OF ADRIAN

LENAWEE COUNTY, MICHIGAN

AMENDMENT TO ORDINANCE No. 39 FIRE DEPARTMENT COST RECOVERY ORDINANCE

ORDINANCE 39

An ordinance to amend Ordinance No. 39, the Adrian Charter Township Fire Department Cost Recovery Ordinance, which provides for the recovery of costs incurred by Adrian Charter Township for providing emergency services in certain circumstances and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF ADRIAN, LENAWE COUNTY, MICHIGAN ORDAINS:

Section 1. Amend Section 2-Definitions.

Section 2-Definitions, shall be amended to read as follows:

Section 2. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

- A. *Assessable Costs* mean those costs for services incurred by the Township in connection with a response to a public safety or fire emergency incident, including, but not limited to, the actual labor and material costs of the Township (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, cost of equipment repairs if damaged during the response to a public safety or fire emergency incident, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the Township or by a third party on behalf of the Township; service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines or penalties to the Township imposed by any court or state or federal governmental entities.
- B. *Bomb Threats* mean the verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state, or local law. Emergency assistance means emergency medical, public safety, police, fire and civil defense services.

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- C. *Excessive Requests for Emergency Assistance* mean any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency Assistance more than five (5) times in the preceding thirty (30) days.
 - D. *Hazardous Materials* mean those elements, substances, wastes or by-products, including, but not limited to, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the fire chief or the senior fire official of the Township in charge at the scene.
 - E. *Hazardous Material Incident or Emergency* means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the fire chief or his or her designee has so declared such activity, accident or emergency a hazardous material incident or emergency.
 - F. *Illegal Fire* means a fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.
 - G. *Motor Vehicle* means any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.
 - H. *Motor Vehicle Accident* means an accident where equipment and tools are used for the extrication of a person or persons, or forced entry into a vehicle are required.
 - I. *Negligently Caused Fire* means a fire, proximately caused by the negligence of an owner or occupier of property and/or structures, or any other person, which represents a direct and immediate threat to the public safety and requires immediate action to mitigate the threat.
 - J. *Public Safety or Fire Emergency Incident* means:

1. Excessive requests for emergency assistance
 2. A hazardous material incident or emergency
 3. An illegal fire
 4. Bomb threats
 5. Threats to harm oneself or others
 6. A motor vehicle accident
 7. A structure demolition
 8. A utility line or failure
 9. Damage to any Township sewer line
- K. *Release* means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment, including, but not limited, the air, soil, groundwater and surface water.
- L. *Responsible Party* means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.
- M. *Structure Demolition* means the tearing down of a structure damaged by fire which must in the opinion of the fire chief or his or her designee be promptly demolished following the fire to protect public safety.
- N. *Threats of Harm to Oneself or Others* mean the verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state or local law.
- O. *Utility Line Failure* means the disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, ship, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to repair or correct such failure.

- P. *Securing a Structure* means securing a building after a fire with an outside contractor.

Section 2. Amend Section 4-Billing and collection of assessable costs

Section 4-Billing and collection of assessable costs, shall be amended to read as follows:

Section 4. Billing and collection of assessable costs.

- A. After determining to assess assessable costs against a responsible party, the Township Treasurer or his or her designee shall mail an itemized invoice to the responsible party at its last known address. Such invoice shall be due and payable within thirty (30) days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent (1%) per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid.
- B. To the extent that the responsible party has insurance which would cover all or any part of the cost assessed, the Township is empowered to bill the appropriate insurance carrier of any responsible party,
- C. If a responsible party shall appeal assessable costs pursuant to Section 3 hereof, such costs, if upheld, in whole or in part, shall be due and payable thirty (30) days from the date of determination of the appeal and any late payment fees shall apply thereafter.

Section 3. Savings Provision

All provisions of Ordinance No. 39 not amended by this ordinance shall continue in full force and effect.

Section 4. Severability and Repealer

- 4.1. The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.
- 4.2. The enactment of this ordinance repeals and replaces any other ordinance or parts of ordinance in conflict with the provisions of this ordinance.

Section 5. Effective Date

This ordinance shall take effect immediately after its enactment and publication.

YEAS: () _____
NAYS: () _____
ABSENT: () _____

Ordinance declared adopted on _____, 2026.

Stephen May
Supervisor for the Charter Township of
Adrian

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Sarah Buku, the Clerk of the Charter Township of Adrian certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Adrian on _____, 2026 and published in the _____, a newspaper circulated in the Township of Adrian on _____, 2026.

Sarah Buku
Clerk for the Charter Township of Adrian