

## **Chapter 501 – Fire Prevention / Emergency Services**

### **Section 501.1 – Title**

This Ordinance shall be known and cited as the “Fire Department and Ambulance Cost Recovery Ordinance.”

### **Section 501.2 – Intent**

An Ordinance to authorize the collection of costs incurred in providing emergency fire service and/or emergency ambulance and advanced life support services in situations which involve spills, leaks, releases, accidents or related occurrences of hazardous or dangerous materials or substances; and in responding to a negligently caused fire emergency from persons responsible therefore; costs incurred as a result of the Fire Department responding to false alarms; cost incurred as a results of Fire Department or the EMS Authority responding to a utility line failure; and costs incurred in providing emergency fire service and/or emergency ambulance and advanced life support services arising from the operation of a motor vehicle, motorcycle, snowmobile, or off-road vehicle (ORV) by a person who is impaired by or under the influence of intoxicating liquor or a controlled substance or in violation of any arrestable misdemeanor and/or felony driving offense; and to establish procedures for such collection.

### **Section 501.3 – Definitions**

The following words and phrases are used herein shall have the following meanings:

**Costs** – All fees, charges, and other expenses associated with the response to, mitigation and clean-up of hazardous or dangerous materials and substances, including stand-by situations; all fees, charges and other expenses for the repair, decontamination or replacement of equipment, apparatus, materials and supplies; all fees, charges and other expenses necessarily incurred to ensure the protection of the public health, safety or welfare of Lenox Township and the persons therein without limitation to the amounts customarily incurred in providing emergency fire service and/or emergency ambulance and advanced life support services without limitation to the amount customarily incurred in providing emergency fire service and/or emergency ambulance and life support services, and including all manpower costs, mutual aid costs, and non-recoverable equipment costs; all costs incurred as a result of the Fire Department responding to false alarms; and all costs incurred by the Fire Department or the EMS Authority in responding to a utility line failure.

**Hazardous or dangerous materials and substances** – Any substance, including but not limited to, alcohol, gun powder, dynamite, crude petroleum or any of its by-products, fuel oils, pyroxylin, corrosives, acids, poisons, insecticides, herbicides, fertilizers, chemicals, any, combustible materials. Combustible liquids or materials, and any other commodities of a similar nature or quality and all other substances which pose a fire hazard or pose a substantial resent or potential hazard to the public health, safety, or welfare, or endanger, cause or can cause loss, injury or damage to person, property, or the environment.

**Negligently Caused Fire Emergency** – A fire proximately caused by the negligence of the owner and/or occupant, including his agent, employee, contractor, or child, of property and/or structure that presents a direct and immediate threat to public health and safety and requires an emergency response by the Lenox Township Fire Department and/or Richmond Lenox EMS Ambulance Authority.

**Alarm System** – An alarm system shall mean an assembly of equipment and devices, or a single device arranged to signal the presence of a hazard requiring urgent attention, and to which the Fire Department may be summoned directly or indirectly to respond, including, but not limited to systems designed for use in combination of the following: the detection of fire, smoke or heat within a building, structure, or vehicle.

**Alarm Originator** – Alarm originator shall mean any of the following: the person, partnership, corporation, or limited liability company, who requested the installation of the alarm system; or the person, partnership, corporation, or limited liability company who either has an ownership interest in the premises, a leasehold, interest, or possesses and occupied the subject premises. In the event, the premises are occupied by a partnership or corporation, each partner of the partnership, and each officer and director of the corporation shall be deemed an originator. With respect to motor vehicle alarms, the owner, lessee, or operator of the motor vehicle is the originator of the alarm. Excluded from this definition are persons who use self-contained alarm systems that signal or alert authorized persons who are on the premises with respect to an emergency condition, provided such system does not utilize an audible signal emitting sounds or light assigned to alert persons of the emergency condition who are outside of the premises.

**False Alarm** – False alarm shall mean any alarm activation or condition which is registered at or reported to the Lenox Township Fire Department, either directly or indirectly. Also Included is an alarm condition, registered at or reported to the Macomb County Sheriff's Department or the Lenox Township Fire Department not resulting from a fire or Potential fire condition. The false alarm does not include an alarm caused by the hurricane, Tornado, storm, earthquake, or other violent conditions beyond the control of the alarm Originator, or upon any extenuating circumstances as determined by the Lenox Township Public Safety Director.

**Automatic Telephone Alarm System** – Automatic telephone alarm system shall be defined as a device or a combination thereof that will upon activation, either mechanically, electronically, or by other means, initiate the automatic calling dialing, or connection to any telephone number assigned to any public, service, utility, fire department or public agency by a public telephone line.

**Utility Line Failure** – The failure of or disabling of operation of a cable, conduit, wire, pipeline, or other transmission device used to transport electricity, natural gas, communication or electronic signals, water, or sanitary or storm sewage when the party responsible for maintaining the cable, conduit, wire, pipeline, or transmission device fails to undertake repairs of the failing or disabling within a reasonable time, not to exceed one hour from the time the party responsible received notices of the failing or disabling, or when the part responsible fails to complete repair of the failing or disabling with a reasonable amount of time.

#### **Section 501.4 – Alarm Duration**

No person or entity shall operate, install, direct the installation of an alarm system, or use an alarm system that emits an audible and/or visual signal for a period longer the fifteen (15) minutes from the initial activation of the device. All persons and entities who have an existing alarm system shall, within one hundred and eighty (180) days of the effective date of this Ordinance, bring the alarm system into conformity with this section. Whenever an alarm system continues to emit audible signals continuously or on a regular repeating basis for over thirty (30) minutes and the owner and/or entity in possession and control of the premises cannot be contacted or does not respond within thirty (30) minutes of being contacted, the audible signals create a nuisance per se and a disturbance of the peace and tranquility of the neighborhood, and any alarm originator shall be guilty of a misdemeanor. In addition, the township and its designees shall be further authorized to disconnect, or otherwise disable the alarm system by cutting wires, disconnecting speakers, or dialing other components of the alarm system that are located on the exterior of the premises and the township shall not be responsible to hold harmless and indemnify the alarm owner, under those circumstances, for such damage.

#### **Section 501.5 – False Alarm Fees**

Notwithstanding any other provision of this Ordinance or penalties provided in order to defray the costs of responding to false alarms, a false alarm fee shall be charged for the second and subsequent false alarms within the same calendar year by the same alarm originator as set forth herein:

- A. Fees for false alarms requiring Fire Department response: Standard response (requiring a minimum of equipment and manpower):

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|-------------------------------------|----------|
| 1. Second False Alarm               | \$300.00 |
| 2. Third False Alarm                | \$400.00 |
| 3. Fourth or subsequent false alarm | \$500.00 |

B. In the event that optimal response is required (requiring the significant deployment of manpower and equipment due to the nature of the building for which the alarm is given, including maximum response uses as set forth in the Fire Prevention Code, NFPA sections, and other fire prevention ordinances adopted by Lenox Township, such as but not limited to multi-family residential with more than twelve (12) units, institutions, high-hazard industries, and places of assembly or more than one hundred (100) persons:

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|--------------------------------------|------------|
| 1. Second False Alarm                | \$500.00   |
| 2. Third False Alarm                 | \$700.00   |
| 3. Fourth or subsequent false alarms | \$1,000.00 |

C. The false alarm fee shall not apply in the case of the first two false alarms with the two-week period following the installation of a new alarm system or the upgrading of an existing alarm system, provided that the Macomb County Sheriff's Department and the Lenox Township Fire Department has been notified of the installation or change. In addition, the false alarm fee shall only be imposed where false alarms are responded to by fire personnel and/or equipment.

D. False alarm fees shall not apply where the alarm system has malfunctioned, provided that corrective measures have been undertaken within ten (10) days after the false alarm and a copy of the repair order documenting the completed repair by a licensed alarm service contractor is furnished within thirty (30) days to the Lenox Township Fire Department. Withstanding the above, in any calendar year, this procedure shall excuse no more than three false alarms. Should a fourth false alarm result, a fourth alarm fee shall be paid for fourth or subsequent alarms.

- E. It shall be unlawful for any person, or entity to willfully, assist in giving, or cause to be given any false alarm in any manner, provided that this subsection shall not apply to members of the Lenox Township Fire Department.

#### **Section 501.6 – Authority to Collect Costs**

The Lenox Township Fire Department and/or the Richmond Lenox EMS Ambulance Authority shall have the authority to collect all costs incurred, as defined in Section 501.3, in providing emergency fire service or emergency ambulance and advanced life support services in a situation which involve hazardous or dangerous materials as defined in Section 501.3, the authority to collect all costs as defined in Section 501.3 for any negligently caused fire emergency as defined in 501.3, and any costs as defined in Section 501.3 arising out of the operation of a motor vehicle, motorcycle, snowmobile, or off-road vehicle (ORV), by a person who is impaired or under the influence of intoxicating liquor or a controlled substance or by a person in violation of any arrestable misdemeanor and/or felony driving offense under Michigan law, and any cost resulting from a false alarm as defined herein, and any costs that result from a response to a utility line failure. In addition, the Lenox Township Supervisor shall have the authority to direct the Township Attorneys to institute litigation, where necessary, to collect such costs, and the Lenox Township Supervisor shall have the authority to add any unpaid costs to the property tax bill of any Lenox Township property owner who owes Lenox Township such costs.

#### **Section 501.7 – Person Responsible for Costs**

With respect to any costs incurred in connection with hazardous or dangerous materials and substances, all such costs shall be charged against and be the responsibility of the owner, operator, and/or person of the property, equipment, vehicle, or container, causing, contributing, allowing or failing to manufacture, keep, store, transport, or otherwise handle, or dispose of hazardous or dangerous materials or substances in a manner by a method so as to not constitute a fire hazard or pose a substantial present or potential hazard to the public health, safety or welfare, or to endanger or cause loss, injury or damage to person, property or environment. With respect to costs incurred in connection with a negligently caused fire emergency, the owner and/or occupant of the property, and/or his agent, employee, or contractor. With respect to any costs arising out of the operation of a motor vehicle, motorcycle, snowmobile, or off-road vehicle (ORV), by a person who is impaired by or under the influence of intoxicating liquor or a controlled substance, or in violation of any arrestable misdemeanor and/or felony driving offense in violation of any Michigan Statutes, the person who is found guilty of those offenses and/or owner of the motor vehicle, motorcycle, snowmobile, or off-road vehicle (ORV) provided that the device was being operated at the time of the violation with the implied consent of the owner. With respect to any costs arising out of false alarm as defined herein, the alarm originator shall be responsible for such

costs. With respect to any costs that result from a response to a utility line failure, the owner and/or operator of the utility line that fails shall be responsible. Such costs shall constitute a debt of the persons responsible and be collectible in the same manner as any legal obligation.

#### **Section 501.8 – Statement for Services Rendered**

The Lenox Township Fire Department and/or the Richmond Lenox EMS Ambulance Authority shall submit a statement showing the costs associated with the aforesaid emergency services to the person or persons responsible therefor by First Class Mail or personal service, and the amount of the fee charged pursuant to the provisions of the Ordinance. With respect to a false alarm, a ten (\$10.00) dollar collection fee shall be imposed on the alarm originator even if false alarm fees are paid within thirty (30) days.

#### **Section 501.9 – Delinquent Accounts**

Any person responsible for the aforesaid emergency services who fails to remit the fee charged within thirty (30) days of the date of the statement of services rendered shall be considered delinquent unless an extension of time for payment is approved by the Township Board. All such delinquent accounts shall pay a late fee of 1% per month and shall be collected as provided by law.

#### **Section 501.10 – Administration and Appeal Regarding False Alarms**

The Lenox Township Fire Department shall be charged with administering false alarms as defined herein. Any alarm originator aggrieved with the fee imposed pursuant to this ordinance shall be entitled to an appeal. Such appeals must be pursued on a form as approved by the Public Safety Director and shall be filed within thirty (30) days of the notice of the fee being imposed. The Appeal Board shall consist of the Lenox Township Public Safety Director and the Lenox Township Supervisor. The person appealing shall be entitled to be present and present documents, witnesses, or evidence supporting their appeal. However, if the appeal is denied, then the monthly interest as set forth above begins to run on that date. Furthermore, if such an appeal is denied it will constitute an exhaustion of administrative remedies on the part of the person aggrieved.

#### **Section 501.11 - Penalties**

Any person found guilty of violating Section 501.4, (Alarm Duration), as set forth above shall be guilty of a misdemeanor in which the defendant shall be sentenced to up to ninety (90) days in jail and/or pay a fine of five hundred dollars (\$500.00).