

**CHARTER TOWNSHIP OF WASHINGTON**

**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. 146**

**COST RECOVERY FOR MOTOR VEHICLE ACCIDENT EMERGENCY RESPONSES**

AN ORDINANCE providing for the reimbursement and collection of fees charged by the Charter Township of Washington for costs incurred by the Township in providing emergency fire and ambulance service to nonresidents involved in motor vehicle accidents within the Township and repealing any and all Ordinances and/or regulations in conflict herewith.

**THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF  
WASHINGTON, MACOMB COUNTY, MICHIGAN, ORDAINS:**

**Section 1.     SHORT TITLE.**

This Ordinance shall be known and may be cited as the Charter Township of Washington Cost Recovery For Motor Vehicle Accident Emergency Responses Ordinance.

**Section 2.     LEGAL AUTHORITY.**

This Ordinance is adopted pursuant to and in accordance with Act 33, Public Acts of 1951, as amended.

**Section 3.     DEFINITIONS.**

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

- A. *Emergency response* means the dispatch or utilization of firefighting, emergency medical and/or rescue services by the Township in connection with an accident involving one or more motor vehicles.
- B. *Expense of emergency response* means the direct and reasonable costs incurred by the Township, or a private person or corporation operating at the request or direction of and in an amount approved by, the Township when making an emergency response to a motor vehicle accident, including the costs of providing firefighting and rescue services at the scene of the accident. The costs shall include, but not be limited to, the salaries and wages of the Township personnel responding to the accident and/or engaged in investigation, supervision and report preparation relating to the accident.
- C. *Motor Vehicle* shall mean every vehicle that is self-propelled and falls within the definition of motor vehicle pursuant to MCL 257.33.
- D. *Nonresident* means every motor vehicle owner who does not have a residence in the Township.
- E. *Owner* means an individual or entity that holds the legal title to a motor vehicle. The term *owner* also includes any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof under a lease or otherwise.
- F. *Residence* means that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging.
- G. *Township* shall mean the Charter Township of Washington.
- H. *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**Section 4.      LIABILITY FOR EXPENSE OF EMERGENCY RESPONSE.**

A.    Liability. A nonresident owner of a motor vehicle that is involved in an accident in the Township is liable for the expense of an emergency response by the Township.

B. Business Exemption. This Ordinance shall not apply to nonresident owners of vehicles involved in motor vehicle accidents in the Township if the owner can demonstrate that he/she has an ownership interest in a sole proprietorship, partnership or corporation that conducts business within and pays real property taxes to the Township.

C. Cost of Recovery Schedule. The Township Board shall, by resolution, adopt a schedule of the costs included in the expense of an emergency response. The schedule shall be made available to the public by the Township Clerk's Office.

## **Section 5. COLLECTION OF FEES.**

A. Records. The Township shall maintain a record of all emergency responses.

B. Statement of Services. The Township or a third party agent authorized by the Township to collect the expenses of emergency responses, shall mail to a nonresident owner of a motor vehicle involved in a motor vehicle accident in the Township, a statement detailing the services rendered and the amount of the expenses of the emergency response. In the event the nonresident owner has a policy of insurance that covers such expenses, the statement may also be mailed directly to the nonresident owner's insurance carrier.

C. Failure to Pay Expenses. In the event the nonresident owner and/or the owner's insurance carrier fails to remit full payment to the Township or the Township's third party billing agent within thirty (30) days of the due date, the Township may pursue all available collection remedies provided by law.

**Section 6.      REPEAL OF CONFLICTING PROVISIONS.**

All Resolutions, Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict, hereby repealed.

**Section 7.      SEVERABILITY.**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 8.      PUBLICATION.**

A true copy of this Ordinance or a summary thereof shall be published twice in accordance with MCL 42.20. Publication shall be made by posting a true copy of the Ordinance in the office of the Township Clerk and on the Township's website in accordance with MCL 42.8(3)(b).

**Section 9.      EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon second publication of the Ordinance or a summary thereof.

**CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Washington Township, Macomb County, Michigan, at a meeting held on the 2<sup>nd</sup> day of May, A.D., 2012.

I hereby further certify that the following Township Board members were present at the meeting: Bosheers, Grimes, Jacobson, O'Leary, Rapp, Richardson, Verellen and the following Township Board Members were absent: None

I further certify that Member Bosheers moved for the adoption of the Ordinance, and that motion was supported by Member Jacobson.

I further certify that the following Township Board Members voted for the adoption of the Ordinance: Bosheers, Grimes, Jacobson, O'Leary, Rapp, Richardson, Verellen And that the following Township Board members voted against adoption of the Ordinance: None

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Kathy Bosheers, Clerk  
Charter Township of Washington

**CERTIFICATE OF PUBLICATION**

I, Kathy Bosheers, the Township Clerk of the Charter Township of Washington do hereby certify that on May 09, 2012, the foregoing Ordinance was posted in the office of the Township Clerk and on the Charter Township of Washington's website as authorized by MCL 42.8(3)(b).

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Kathy Bosheers, Clerk  
Charter Township of Washington