

ORDINANCE NO. 10-03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CORUNNA, MICHIGAN, CHAPTER 42, FIRE PREVENTION AND PROTECTION, BY CHANGING ARTICLE IV. COST RECOVERY, SECTIONS 42-121 DEFINITIONS, 42-122 FAILURE TO REMOVE AND CLEANUP AND 42-126 EXEMPTIONS, OF THE CITY OF CORUNNA CODE.

THE CITY OF CORUNNA, MICHIGAN, ORDAINS:

ARTICLE IV. COST RECOVERY

SECTION 1. Sec. 42-120. PURPOSE

The purpose of this ordinance is to enable the CITY OF CORUNNA and CORUNNA-CALEDONIA FIRE DEPARTMENT to require reimbursement from:

- A. Those responsible for (either intentionally, accidentally, or as a result of actions by others) or owning or controlling property affected by, the leaking, spilling releasing or allowing certain hazardous substances or materials to escape containment, or for damaged and/or downed power lines, electric service lines, gas mains, gas service conduits, water mains, sanitary sewer mains, storm sewer mains, occupancy leads, telephone lines, cable television lines, traffic signals or signs; thereby requiring the City and/or its agents, to provide emergency containment, cleaning, and/or disposal of hazardous substances or materials, or for the securing and prudent monitoring of the site of an accident or natural disaster, including those involving public or private utilities.
- B. Those responsible for (either intentionally, accidentally, or as a result of actions by others) or owning or controlling property affected by or involved in an emergency incident including airports, bomb threats, powered and non-powered aircraft, recreational vehicles, trailers, agricultural machinery, powered and non-powered watercraft, motor vehicle fires, illegal fires, extrication from vehicles, aircraft or watercraft involved in accidents, and accident related clean up.

SECTION 2. Sec. 42-121. DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCIDENT INCLUDING NATURAL DISASTER.

Accident including natural disaster means an unforeseen or unexpected happening or occurrence which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the City of Corunna, and/or agents of the City, to reduce the potential for such damage, but not including emergency incidents.

BOMB THREAT.

Bomb threat means the verbal or written threat of a bomb or other explosive device which if discharged as threatened would (1) violate a federal, state or local law, or (2) cause property damage and/or personal injury or death.

DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS.

Dangerous or hazardous substances or materials means any substance (including gases or vapors) which if spilled, leaked, or otherwise released from its container, is dangerous or harmful to the environment or human or animal life, health, or safety, or otherwise constitutes a danger, threat, or nuisance to the public health, safety or welfare. Hazardous materials shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum based products, poisons, biologic agents, flammable, combustibles, hazardous wastes, or corrosives. The Fire Chief or the Chief's designee shall have reasonable discretion to determine whether any particular substance constitutes a hazardous material.

EMERGENCY INCIDENT.

Emergency incident means a bomb threat, vehicle fire, an illegal fire, extrication from vehicles involved in accidents, and accident related clean up.

EMERGENCY RESPONSE.

Emergency response means the providing, sending and/or utilization of public works, police, fire and/or rescue services by the City of Corunna at an emergency incident or at an incident involving release of a dangerous or hazardous substance or material, or an accident requiring immediate and prudent securing and monitoring by the City and/or agents of the City.

EXPENSE OF AN EMERGENCY RESPONSE.

~~A. The expense for an emergency incident shall be according to a fee schedule adopted by the Corunna City Council.~~

~~A.B. For all other emergency responses, The direct~~ **Expense of an emergency response means the actual** costs incurred by the City of Corunna in making an appropriate emergency response to an accident or incident, including the costs of providing police, firefighting and rescue services, public works and/or other City personnel, or the services of other agents of the City, at the scene of an incident or accident. Related administrative costs, which for agents of the City shall be 15% of the actual charge to the City, accruing after the occurrence of such incident or accident are also included. Such costs and expenses shall include the salaries or wages, workers compensation benefits, and fringe benefits of the personnel responding to the incident or accident and the costs of equipment and materials used. **The expense for an emergency incident shall be according to a fee schedule adopted by the Corunna City Council and may be changed from time to time pursuant to Chapter 38 of the Corunna City Code and such changes shall not require a formal amendment of this ordinance. The same shall be displayed in the City of Corunna Clerk's office and shall be available for distribution upon request at a nominal copy cost fee.**

ILLEGAL FIRE.

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, a fire set in violations of a “no burning” ban or order and/or a fire set without a required permit.

RESPONSIBLE PARTY.

Responsible party means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for an emergency incident or any owner, tenant, occupant or party in control of real and/or 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.

SECTION 3. Sec. 42-122. DUTY TO REMOVE AND CLEAN UP

It shall be the duty of any person, firm, corporation, public or private utility, or any other entity directly or indirectly causing, contributing to, or allowing the leakage, spillage or any other release of dangerous or hazardous substances or materials or owning or controlling property affected thereby or requiring the securing and monitoring of sites or locations of accidents and/or natural disasters, including downed power lines and electric service lines, ruptured gas mains, gas service conduits, water mains, occupancy leads, telephone lines, or cable television lines, to immediately secure, monitor, and clean up the area or locations in such manner that the area or location involved is fully restored to the condition existing prior to such occurrence.

The City shall have no duty to contain, clean up or dispose of any release of hazardous substances or materials, or other materials, but in emergency situations the Fire Chief or Chief of Police, or their designees, shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public including securing and monitoring sites of accidents or providing for or arranging for the containment, removal or clean up of any hazardous substances or materials. The City shall inspect the site to insure that cleanup has been fully completed.

SECTION 4. Sec. 42-123. FAILURE TO REMOVE AND CLEAN UP

Any person or entity failing to comply with Section ~~342-122~~, and/or where a non-emergency incident, emergency response is provided by the City, shall be liable to the City and shall reimburse the City for all costs and expenses, including the costs incurred by the City or any agents the City engages, for the complete abatement, clean up, restoration and/or securing of the affected area.

SECTION 5. Sec. 42-124. SUBMITTAL OF BILL

The City of Corunna shall, within ten days of receiving itemized costs incurred for an emergency response, submit a bill for the same by first class mail or personal delivery to any person or entity liable for these expenses as previously enumerated under this chapter. The bill shall require full payment within 30 days from date of billing.

SECTION 6. Sec. 42-125. ENFORCEMENT

If any person or entity fails to reimburse the City of Corunna as above provided, the City shall have the right to bring an action in the appropriate court to collect such costs. If such person or entity is the owner of real property affected or partially affected by the release of hazardous materials, or requiring emergency security or monitoring, the City shall have the right to add any and all costs of clean up, restoration and/or of any emergency response, to the tax roll of such property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property.

SECTION 7. Sec. 42-126. EXEMPTIONS

The following properties and services shall be exempt from the foregoing charges:

- ~~A. False Alarms~~
- B.A.** Fire involving City buildings, grounds and/or property.
- C.B.** Fire Service performed outside the jurisdiction of the City, under a mutual-aid contract with adjoining municipalities.
- ~~B. Residents that own real property in City of Corunna.~~

SECTION 8. Sec. 42-127. SAVINGS

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Secs. 42-128 – 42-160 Reserved

FEE SCHEDULE

For emergency responses to emergency incidents, the fee schedule shall be the following:

SQUAD SUPPORT VEHICLE:	\$250.00/hr
ENGINE/PUMPER:	\$350.00/hr
TANKER:	\$275.00/hr
FIRE FIGHTER WAGE:	\$ 13.00/hr
FIRE FIGHTER FULLY EQUIPPED:	\$ 50.00/hr
ADMINISTRATION FEE:	15% of total bill
VEHICLE FIRE:	One Engine, One Tanker & up to 8 Fire Fighters
EXTRICATION FROM VEHICLES:	Two engines, One Support Vehicle & up to 10 Fire Fighters
ACCIDENTS/SCENE CLEAN UP/STAND-BY:	One Engine, One Support Vehicle & up to 6 Fire Fighters

DOWN POWER LINE:	Two Engines, One Support Vehicle & up to 8 Fire Fighters
ILLEGAL FIRES:	\$500.00 flat fee The actual cost as specified under “Expense of an Emergency Response”
BOMB THREAT:	The actual cost as specified under “Expense of an Emergency Response”

When adopted by the City Council, the fee schedule shall be and are hereby incorporated herein. Said fee schedule and waiver of fees from said schedule as set forth in Section 42-126 hereof may be changed from time to time pursuant to Chapter 38 of the Corunna City Code and such changes shall not require a formal amendment of this ordinance.

SECTION 9. SEVERABILITY

This Ordinance and the several sections, subsections, paragraphs, clauses and parts thereof are hereby declared to be severable. If any part of clause thereof is declared or adjudged invalid by present or future legislation or decree, the balance of the Ordinance shall not be affected thereby.

SECTION 10. COPIES AVAILABLE

This Ordinance may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION 11. CONFLICTING ORDINANCES REPEALED

All Ordinances previously adopted and incorporated in the Code of the City of Corunna, Michigan, through codification procedures, or any existing Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

DATE OF PASSAGE: April 19, 2010
DATE OF PUBLICATION: April 23, 2010
EFFECTIVE DATE: April 23, 2010

THE CITY OF CORUNNA

BY: _____
Charles Kerridge
Its: Mayor

BY: _____
Nichole L. Cowdrey
Its: City Clerk

STATE OF MICHIGAN }
 }ss.
COUNTY OF SHIAWASSEE}

I, Nichole L. Cowdrey, being Clerk of the City of Corunna, do hereby certify that the foregoing is a true and accurate copy of the City of Corunna ORDINANCE NO. 10-03 passed on the 19th day of April, A.D., 2010. Further, I certify that I caused the same to be published in a local newspaper within fifteen (15) days after adoption by the Corunna City Council, Corunna, Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of April, A.D., 2010.

Nichole L. Cowdrey
Corunna City Clerk