
CHAPTER 129. EMERGENCY RESPONSE COSTS

9.240. Finding of Fact. The City Council finds that a significant potential exists for Police, Fire, Ambulance and Public Works Department responses to incidents involving the release or threatened release of hazardous materials. Such incidents create a great likelihood of personal injury and/or property damage. The control and abatement of such incidents places a significant financial and operation burden upon the City's police, fire fighting, ambulance and public works services.

(Ordinance No. 1993-8, 08-03-1993)

9.241. Definitions. When used in this Chapter, the following terms shall have the following meanings:

- (1) Building shall mean any structure used or intended for supporting or sheltering any use or occupancy.
 - (2) Emergency Response shall mean the providing, sending and/or utilizing of police, fire fighting, emergency medical and rescue, and public works services by the city, or by a private individual or corporation operating at the request or direction of the City or the State of Michigan, to an incident result in a hazardous material release or threatened release.
 - (3) Expenses of an Emergency Response shall mean the direct and reasonable costs incurred by the City of Frankenmuth or a private person or corporation, or assisting governmental agencies, operating at the request or direction of the City, when making an emergency response to the incident, including the costs of providing police, fire fighting, rescue services, containment, and abatement of all hazardous conditions at the scene of the incident.
 - (a) These costs further include all of the salaries and wages of the City and Fire Department personnel responding to the incident, all salaries and wages of the City and Fire Department personnel engaged in investigation, supervision and report preparation, and all costs connected with the administration of the incident related to any prosecution of the person responsible.
 - (b) All costs of such items as disposable materials and supplies used during the incident, rental or leasing of equipment used for the specific response, replacement of equipment contaminated beyond reuse or repair during a specific response, special technical services and laboratory costs, and services and supplies purchased for a specific evacuation shall be included.
 - (4) Hazardous Material shall mean explosives, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, combustible liquid, flammable liquid, oxidizing material, poisonous gas, poisonous liquid, poisonous solid irritating material, etiological material, radioactive material, corrosive material, or liquefied petroleum gas.
 - (5) Owner shall mean any duly authorized agent or attorney, a purchaser, devisee, fiduciary or a person having vested or contingent interest in the property, container or vehicle in question.
 - (6) Premises shall mean any lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junk yard, wharf, pier, public roadway, and any other place or enclosure, however owned, used or occupied.
 - (7) Responsible Person shall mean the owner, operator, occupant or other person responsible for the condition of the building, premise, or vehicle.
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(Ordinance No. 1993-8, 08-03-1993)

9.242. Charge Against Person Responsible for Emergency Response. The expense of an emergency response shall be a charge against the person liable for the expenses under this Chapter. The charge constitutes a debt of that person and is collectible by the City of Frankenmuth for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(Ordinance No. 1993-8, 08-03-1993)

9.243. Cost Recovery Schedule. The Frankenmuth City Council shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public from the City Clerk.

(Ordinance No. 1993-8, 08-03-1993)

9.244. Billing. The City of Frankenmuth may, within ten (10) days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first-class mail or personal service to the person liable for the expenses as enumerated under this Chapter. The bill(s) shall require full payment within thirty (30) days from the date of service.

(Ordinance No. 1993-8, 08-03-1993)

9.245. Payment Default. Any failure by the person described in this Chapter as liable for the expenses of an emergency response to pay the bill within thirty (30) days of service shall be considered in default. In case of default, the City of Frankenmuth shall have the right and power to add any and all costs of cleanup and restoration to the Tax Roll as to 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. The City shall also have the right to bring action in the appropriate court to collect such costs if it deems such action to be necessary.

(Ordinance No. 1993-8, 08-03-1993)

9.246. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The City Manager is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code. Fines hereunder shall be in addition to the cost recovery rights of the City said forth in this Chapter.

(Ordinance No. 1993-8, 08-03-1993)