

# **Charter Township of Orion**

## **Ordinance No. 120**

### **Emergency Response Cost Recovery**

Adopted June 14, 1998

AN ORDINANCE REQUIRING THE PAYMENT OF COSTS INCURRED BY THE CHARTER TOWNSHIP OF ORION IN MAKING EMERGENCY RESPONSES TO MOTOR VEHICLE ACCIDENTS OR ARRESTS INVOLVING DRIVERS WHO ARE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION THEREOF OR OPERATING A MOTOR VEHICLE WHILE THEIR ABILITY WAS VISIBLY IMPAIRED BY THE CONSUMPTION OF AN INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION THEREOF; AND TO REPEAL ORDINANCE NO. 116 AND ALL PORTIONS OF OTHER ORDINANCES THAT ARE INCONSISTENT WITH THIS ORDINANCE.

## **ARTICLE I - PURPOSE, INTENT, AND SHORT TITLE**

**Section 1.01 - Purpose and Intent.** This Ordinance is adopted for the purpose and intent of requiring that the reimbursement of costs incurred by the Charter Township of Orion in making emergency responses to accidents or incidents involving persons who operate motor vehicles while under the influence of or impaired by intoxicating liquor or a controlled substance, or a combination thereof, be made to the Township by the responsible persons.

**Section 1.02 - Short Title.** This Ordinance shall be known and may be referred to or cited as the Cost Recovery Ordinance.

## **ARTICLE II - EMERGENCY RESPONSE COST RECOVERY**

**Section 2.01 - Definitions.** When used in this Ordinance, the following terms shall have the following meanings:

- A. **"Emergency Response"** means the dispatch, provision, or utilization of police, fire-fighting, emergency medical, and/or rescue services by the Township to an incident resulting in a traffic stop or arrest, or at an accident involving a motor vehicle where one or more of the drivers were operating a motor vehicle while impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.
- B. **"Expense of an 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 the Township, when making an emergency response to the accident or incident, including the costs of providing police, fire-fighting, emergency medical, and/or rescue services at the scene. These costs further include, but are not limited to, all of the salaries and wages of the Township personnel responding to the incident; all salaries and wages of the Township personnel engaged in investigation, supervision, and report preparation; all costs connected with supervision and report preparation; all costs connected with the administration and provision of all chemical tests of his or her blood, breath, or urine; and all costs related to any prosecution of the person causing the incident.

### **Section 2.02 - Liability for Expense of an Emergency Response.**

- A. **Person Responsible.** Any person is liable for the expense of an emergency response if, while under the influence of an intoxicating liquor or a controlled substance, or the combined influence of an intoxicating liquor and a controlled substance, such person's operation of a motor vehicle proximately creates or causes any incident or accident resulting in an emergency response.
- B. **Presumptions.** For the purpose of this Ordinance, a person is under the influence of an intoxicating liquor or a controlled substance, or the combined influence of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an intoxicating liquor if a chemical analysis of his or her blood, urine, or breath indicates that the amount of alcohol in his or her blood was in excess of seven one-hundredths of one percent (0.07%).
- C. **Charge Against Person.** The expense of an emergency response shall be a charge against the person liable for the expenses under this Ordinance. The charge constitutes a debt of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. Additionally, the 52/3 Judicial District Court is authorized to collect the above-described debt for the Township and may charge a service fee for such collection in an amount mutually agreed upon by the Court and the Township.

- D. **Cost of Recovery Schedule.** The Township 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 either the Township Clerk or the Oakland County Sheriff's Department.
- E. **Billing.** The Township Clerk, or the Clerk's designee, may, within thirty (30) days of receiving the itemized costs, or any part thereof, incurred by the Township for 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 Ordinance. The bill(s) shall require full payment in thirty (30) days from the date of service.
- F. **Failure to Pay; Procedure to Recover Costs.** Any failure, by the person described in this Ordinance as liable for the expense of an emergency response, to pay the bill within thirty (30) days of service shall be considered to be in default. The failure to pay may further be considered a violation of probation if the payment was ordered by the Court at the time of sentencing. The Township may commence civil suit to recover the expenses and all costs allowed by law.

### **ARTICLE 3 - SEVERABILITY AND EFFECTIVE DATE**

**Section 3.01 - Severability.** If any section, sentence, or any other part of this Ordinance shall be adjudicated to be invalid or unconstitutional, such adjudication shall not effect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly adjudicated in the controversy in which such judgment shall be rendered.

**Section 3.02 - Effective Date.** This Ordinance shall become effective upon publication, as provided by law.

**Section 3.03 - Repeal.** All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are repealed, and specifically, Ordinance No. 116 is repealed in its entirety.

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