

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF NORTHFIELD TO AMEND CHAPTER 2 - ADMINISTRATION, ARTICLE V – FINANCE, BY ADDING A NEW DIVISION 6, - EMERGENCY RESPONSE, AND ADDING NEW SECTIONS 2-281 THROUGH 2-284.

*State law references—Collection of fees for emergency police or fire service, MCL 41.806a; expenses for which court may order person convicted to reimburse the local unit of government, MCL 769.1f; remediation, MCL 324.20101 et seq.

WHEREAS, the Township of Northfield currently provides for cost reimbursement for Fire, Medical and Rescue response; and

WHEREAS, the Township of Northfield wishes to provide for further cost recovery for emergencies serviced by those departments, as well as the Police Department for costs associated with the delivery of public safety services by the Township for emergency response including, but not limited to, the following: traffic crash response, incidents involving operating a motor vehicle while intoxicated or impaired, utility company wait time as a result of a motor vehicle crash, illegal burning, search and rescue, structure fires, hazmat response, false alarms, water rescue, mining incidents and preparing for University of Michigan survival flight or similar services; all being public safety services that are required due to an individual's negligence.

NOW, THEREFORE, BE IT ORDAINED BY THE NORTHFIELD TOWNSHIP BOARD OF TRUSTEES AS FOLLOWS:

1. A new Division 6 – Emergency Response, shall be added to Chapter 2, Article V of the Township Code of Ordinances.
2. The following sections 2-281 through 2-284 shall be added to Chapter 2, Article V, Division 6:

Sec. 2-281. Definitions.

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

Emergency response means:

- (1) Providing, sending and/or utilizing police, firefighting and/or rescue services by the Township to an accident involving a motor vehicle caused by negligent behavior.
- (2) Providing, sending and/or utilizing police, firefighting and/or rescue services by the Township to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.

- (3) The making of a traffic stop and arrest by a police officer when the driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.

Expense of emergency response means:

- (1) "Direct costs or expense of an emergency response," which shall consist of, but not be limited to, the following, and shall be established by the Board of Trustees, who, from time to time, may adjust for the direct fees as deemed to be necessary or expedient in respect to billing for said fees or the collection thereof.
 - a. Personnel costs associated with the response.
 - b. Transportation costs associated with the response.
 - c. Equipment costs associated with the response.
 - d. Administrative costs associated with the response.
 - e. Legal costs associated with the response.
- (2) The direct costs associated with the occurrence of an emergency response as set forth in this division. The expenses of making an emergency response as set forth in this division shall include the costs connected with the administration and provision of a breathalyzer test and the videotaping of the driver if applicable. These costs shall be set from time-to-time by the Board of Trustees as deemed necessary.
- (3) The direct cost of an emergency response for a motor vehicle accident in the Township shall be a cost charged to the motor vehicle insurance company of the responsible or at fault party. In the event that an insurance company chooses to decline payment or the negligent or at fault person is uninsured, the negligent or at fault party will be held financially responsible.

Sec. 2-282. Findings.

The Township finds that a significant number of traffic arrests and traffic accidents in the Township involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance. In addition, the Township finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and/or financial burden is placed upon the public safety department, including police, fire and rescue services, by persons who are operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance, or who have been found at fault in any accident.

The Township also finds that emergency public safety department services, including police, fire and rescue services, for vehicular accidents continues to increase resulting in

increased demands on all areas of Township services. The Township further finds that the public safety department response to motor vehicle accidents decreases costs to insurance companies by providing various safety services. The Township finds that using property tax increases to provide for the increase in service demands is not appropriate since many of the motor vehicle accidents involve individuals not owning property or paying taxes within the Township. As a result, the Township finds that it is necessary to institute a system of cost recovery for emergency response to motor vehicle accidents.

Sec. 2-283. Liability for expenses.

- (a) Any person who, while under the influence of an alcoholic beverage or any controlled substances or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle which results in an emergency response as defined in this division shall be responsible and/or liable for the expenses of the emergency response.
- (b) For purposes of this division, it shall be presumed that a person was operating a motor vehicle under the influence of an alcoholic beverage if chemical analysis of the driver's blood, urine or breath indicates that the amount of alcohol in the driver's blood was in excess of the limits established by the state motor vehicle code adopted by reference.
- (c) Any person who is the responsible or at fault party in any motor vehicle accident shall be responsible and/or liable for the expenses of the emergency response. The cost of an emergency response for a motor vehicle accident in the Township shall be a cost charged to the motor vehicle insurance company of the responsible or at fault party, or in the case of uninsured motorists, the responsible or at fault party individually, for the accident as determined by the Police Department.
- (d) For the purpose of this division, claims for costs shall be initially filed with the motor vehicle insurance company of the responsible party as add on costs for the claim for damages to the vehicle, property or injuries. The claims shall be filed with the insurance company of the responsible or at fault party, and in the case of an uninsured motorist, the responsible or at fault party individually, the owner of the vehicle or other responsible parties.
- (e) The Township Manager and the Director of Public Safety shall prepare rules for collection and billing and establishing the cost of the emergency response costs as provided in this Ordinance.
- (f) All amounts collected pursuant to this Ordinance shall be placed in a specific account established by the Township and deposited in the appropriate fund for the department recovering costs.

Sec. 2-284. Civil liability.

Costs established pursuant to this division shall be construed to be a responsibility and liability of a civil nature on the part of the driver and shall not be construed to conflict, contravene or enlarge or reduce any criminal liability or responsibility including fines imposed

by a judge on a driver for operating a motor vehicle while under the influence of an alcoholic beverage and/or controlled substance, or who is found to be the responsible or at fault party, in a motor vehicle accident.

3. REPEALER:

Any and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

4. SEVERABILITY:

This Ordinance and each section, provision or part thereof are hereby declared to be severable, and should any portion thereof be adjudged invalid or unenforceable by a court of competent jurisdiction, such adjudication shall not affect the remainder of this Ordinance.

This Ordinance shall be effective thirty (30) days after its publication date pursuant to Michigan Law.

PASSED AND ORDAINED by the Northfield Township Board, Northfield Township, Michigan, on this ____ day of _____ 2016.

Marilyn Engstrom, Supervisor

ATTEST:

Angela Westover, Clerk

Managers Report, January 2016

Parks and Recreation

The Parks and Recreation Commission is currently working on a proposal document to present to the Board of Trustees on the structure, form, responsibilities, and funding for the a Parks and Recreation Board for Northfield Township. While I can answer some general questions, I anticipate a more detailed conversation at the upcoming workshop.

Whitmore Lake SAD

The bonds are in the process of being sold. When we have assurance of the monies available, the next step in the process will be to award the contract bid. We have been given an extension on our bid period by the low bidder on the contract, so I am not worried about timing. Let me know if you have any questions.

On the January workshop agenda, we will be further discussing the sewer ordinances directly related to the Whitmore Lake SAD. One major issue that needs to be addressed is when individuals / business are required to hook up.

Board Room Construction

I am working on one more little detail on the Board Room Construction project. Construction will begin shortly; likely this month. While I have not yet ordered new cameras, that will happen by the time we will be meeting this Tuesday.

Appointments

The Planning Commission appointments are on the agenda for this meeting. In addition to the two existing applicants who have expressed interest to be reappointed, there are 5 prospective candidates. In addition to planning commission, we are also in need of two Board of Review alternates and a ZBA alternate.

Planner Contract

As I mentioned in my packet memo, I am recommending that we move forward with McKenna and Associates as our new planner. This is obviously at the board's discretion. I did not ask Mr. McKenna to be present so that the Board could debate if this is the direction you wish to proceed. If you chose McKenna and Associates, I will have them present at our workshop meeting.

MERS Investment Services

We are in the process of investigating our employees retirement investment services. Currently we use Burnham and Flowers and are comparing their product offerings and fees with that of MERS. The Township does not pay any costs for these services, but lowering the fees would benefit the employees. If there is a savings and the corresponding administrative work changing is not too great, then we will probably make the switch.

Preserve Park

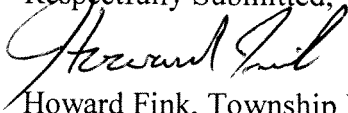
We are now in the initial stages of developing a grant proposal for the Seven Mile Preserve Park behind Town hall and between the Adler – Eagle subdivision. I have reached out to OHM advisors to work with us on the grant on a pro-bono basis. Typically, if we are successful, they would be recommended (but we are not obligated to use them) to receive any engineering / design work on the project. This is a very typical arrangement.

Elections

We are in the process of getting organized for elections. We are in need of election inspectors. If you know of anyone who would like to work the election, please let either myself or Angie Westover know.

Hope everyone had a great holiday.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Howard Fink".

Howard Fink, Township Manager