



# City of Fenton

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301 South Leroy Street · Fenton, Michigan 48430-2196 • (810) 629-2261 • FAX (810) 629-2004

## **COUNCIL WORK SESSION AGENDA**

**Monday, August 2, 2010**  
**City Hall Conference Room**  
**301 South Leroy Street**  
**7:30 PM**

1. Call to Order.
2. Roll Call.
3. Citizen Comments: Request by citizens to speak on specific agenda items.
4. Discussion regarding changes to the Cost Recovery Ordinance pertaining to the Fire Department.
5. Discussion regarding “The Resolution: Re-affirming the American Values of Freedom, Equality, and Justice.”
- 6.
7. Call to the Audience.
8. Adjournment.

**IF ACCOMMODATIONS ARE NEEDED DUE TO A DISABILITY, PLEASE CONTACT THE CITY CLERK’S OFFICE.**

## Memorandum



**DATE:** July 29, 2010  
**TO:** Lynn Markland, City Manager  
**FROM:** Bob Cairnduff, Fire Chief *BC*  
**RE:** Cost Recovery Changes

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I have been reviewing the current cost recovery ordinance in an effort to clean up some of the language and to expand the capabilities of the Fire Department to invoice non-residents for costs incurred while responding to incidents.

Our current ordinance limits our ability to invoice non-residents. It only allowed for recovery of costs in certain situations. The proposed language will allow us more flexibility in invoicing for cost incurred. It will also improve the language of the ordinance to reflect suggested changes made by our attorney. These suggestions were made after experiences with small claims cases at the district court.

We are not only changing the language of the ordinance but we are also looking to update the fee schedule. The ordinance was adopted in 2002 and we have not updated our fees since that time. I have provided you with several different options for the fee schedule. I am recommending that we go with option # 1. This option allows for us to bill a flat fee of \$750 for the first hour that covers equipment, vehicles, and manpower costs. After the first hour the responsible party would be billed the manpower costs and equipment cost detailed in option #1.

I have also included a few example scenarios for you to see how those fee schedule options would change the invoiced amounts for an incident.

I am recommending that we update the Cost Recovery ordinance with the proposed language the city attorney has provided, and that we adopted Option #1 of the proposed fee schedules.

Ⓢ Current ordinance

FIRE PREVENTION AND PROTECTION

§ 12-1

ARTICLE I. IN GENERAL

Sec. 12-1. Definitions.

*Assessable costs* means those costs for services incurred by the city in connection with response to a public safety or fire emergency incident, including, but not limited to, the actual labor and material costs of the city (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the city or by a third party on behalf of the city; service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines or penalties to the city imposed by any court or state or federal governmental entities.

*Bomb threats* means the verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state, or local law.

*Emergency assistance* means emergency medical, public safety, police, fire, and civil defense services.

*Excessive requests for emergency assistance* means any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than eight times in the preceding 30 days.

*False alarm* means any automated or manual device designated to request or summon emergency assistance whether such device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the incident commander responding to a request or summon for emergency assistance. Provided, however, a false alarm shall not be deemed to have occurred if:

- (1) Caused by an act of God, i.e., a lightning storm; or
- (2) It originates from a motor vehicle or building alarm system; and

- (3) Has not occurred more frequently than three times in a calendar month or four times in a calendar year.

*Hazardous materials* means those elements, substances, wastes or byproducts, including, but not limited to, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the fire chief or the incident commander.

*Hazardous material incident or emergency* means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the fire chief or his or her designee has so declared such activity, accident or emergency a hazardous material incident or emergency.

*Illegal fire* means, subject to the city's fire code, as amended, a fire set or determined to have been set in violation of a federal, state, or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.

*Motor vehicle* means any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways. For the purposes hereof, all trailers or appurtenances attached to any motor vehicle are considered a motor vehicle under this definition.

*Public safety or fire emergency incident* means such things as:

- (1) Excessive requests for emergency assistance;
- (2) A false alarm;
- (3) A hazardous material incident or emergency;

- (4) An illegal fire;
- (5) Bomb threats;
- (6) Threats of harm to oneself or others;
- (7) A structure fire;
- (8) Demolition; or
- (9) A utility line failure or any other incident as deemed by the fire chief or incident commander.

*Release* means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment, including, but not limited to, the air, soil, groundwater, and surface water.

*Responsible party* means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant, or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident. Responsible party shall include the heirs, estates, successors, and assigns of the entities named herein.

*Structure demolition* means the tearing down of a structure damaged by fire which must, in the opinion of the fire chief or his or her designee, be promptly demolished following the fire to protect public safety.

*Threats of harm to oneself or others* means the verbal or written threat of physical harm to oneself or another's property which if carried out would be a violation of federal, state, or local law.

*Utility line failure* means the disabling of any transmission, distribution, or service line, cable, conduit, pipeline, wire or the like used to provide, collect, or transport electricity, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television, and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or

party responsible for the maintenance of such utility line does not respond within one hour to a request to repair or correct such failure. (Ord. No. 613, § 1, 6-10-02)

**Sec. 12-2. Cost recovery authorization and procedure.**

(a) The city may recover all assessable costs in connection with a public safety or fire emergency incident from any or all responsible parties jointly or severally.

(b) The public safety official or their designee shall determine the total assessable costs and shall in consultation with other city personnel involved in responding to a public safety or fire emergency incident determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determination, the following may be considered:

- (1) The total assessable costs;
- (2) The risk the public safety or fire emergency incident imposed on the city, its residents and their property;
- (3) Whether there was any injury or damage to person or property;
- (4) Whether the public safety or fire emergency incident required evacuation;
- (5) The extent the public safety or fire emergency incident required an unusual or extraordinary use of city personnel and equipment; and
- (6) Whether there was any damage to the environment.

(c) After consideration of the factors stated above, the public safety official may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefore, or is legally at fault.

(d) If the public safety official determines not to assess all or part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to the city.  
(Ord. No. 613, § 2, 6-10-02)

**Sec. 12-3. Billing and collection of assessable costs.**

After determining assessable costs against a responsible party, the city treasurer shall mail an itemized invoice to the responsible party at its last known address. Such invoice shall be due and payable within 30 days of the date of mailing. The city treasurer shall mail a second itemized invoice to the responsible party at its last known address if the first notice is disregarded. The second notice is due and payable within 30 days of the date of its mailing and any amounts unpaid after such date of the second notice shall bear a late payment fee equal to one percent per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid. If a responsible party shall appeal assessable costs pursuant to section 12-4 hereof, such costs, if upheld, in whole or part or in part, shall be due and payable 30 days from the date of determination of the appeal and any late payment fees shall apply thereafter.  
(Ord. No. 613, § 3, 6-10-02)

**Sec. 12-4. Procedure for appealing assessable costs.**

Any responsible party who receives an invoice for assessable costs shall have an opportunity to appeal to the city manager or their designee to request a modification of assessable costs pursuant to the following procedure:

- (a) The responsible party shall request in writing a meeting with the city manager within 14 calendar days of the date of invoice assessing the assessable costs. If after meeting with the city manager or his/her designee, and the responsible party is still not satisfied, he or she may request an opportunity to appear before the city council to further request a modification of assessable costs.

- (b) A responsible party who desires to appear before the city council shall file a written request to appear before the city council with the city clerk within seven calendar days of the date of the meeting with the city manager or his/her designee. Upon receipt of such request, the city clerk will place the claim of the responsible party on the agenda of the next regularly scheduled city council meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessable costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party. After a responsible party has been given an opportunity to appear before it, the city council shall determine within 14 days whether to confirm, modify, or void the payment of assessable costs invoiced.

- (c) Failure to timely file a written request with the city manager or to appear before the city council shall constitute a waiver of the responsible party's right to appeal and shall further constitute the responsible party's agreement to pay the assessable costs invoiced or as may have been modified, together with any late payment fee.

(Ord. No. 613, § 4, 6-10-02)

**Sec. 12-5. Assessable costs a lien upon property.**

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the real property of the responsible party in the city, from which, upon which or related to which the public safety or fire emergency incident occurred. Such lien shall be the same character and effect as the lien created by city charter for city real property taxes, and shall include accrued interest and penalties. The city treasurer shall, prior to March 1 of each year, certify to the city assessor the fact that such

assessable costs are delinquent and unpaid. The city assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.  
(Ord. No. 613, § 5, 6-10-02)

**Sec. 12-6. Other remedies.**

In addition to the remedy set forth in section 12-5 above, the city shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.  
(Ord. No. 613, § 6, 6-10-02)

**Sec. 12-7. No limitation of liability.**

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state, or federal law.  
(Ord. No. 613, § 7, 6-10-02)

**Secs. 12-8—12-15. Reserved.**

**ARTICLE II. FIRE DEPARTMENT\***

**Sec. 12-16. Established.**

An on call fire department is hereby established for the city.  
(Code 1967, § 2-701)

**Sec. 12-17. Administration; city manager, responsibility.**

The city manager shall be responsible to the council for the efficient administration of the fire department.  
(Code 1967, § 2-702)

**Sec. 12-18. Fire chief.**

The chief administrative officer of the fire department shall be the chief of the fire department, who shall be appointed by the city manager.  
(Code 1967, § 2-703)

\*Cross reference—Administration, Ch. 2.

**Sec. 12-19. Officers.**

Such other officers of the fire department as may be required shall be appointed by the city manager.  
(Code 1967, § 2-704)

**Sec. 12-20. Operation; rules, regulations.**

The fire department shall be operated in accordance with rules and regulations promulgated by the city manager, in accordance with the Charter.  
(Code 1967, § 2-705)

Charter reference—See Section 4.9(g), (s).

**Secs. 12-21—12-35. Reserved.**

**ARTICLE III. INTERNATIONAL FIRE CODE†**

**Sec. 12-36. International Fire Code—Adopted.**

A certain document, three copies of which are on file in the office of the city clerk of the City of Fenton, being marked and designated as the International Fire Code, including Appendix Chapters A, B, C and D (see International Fire Code Section 101.2.1, 2000 edition), as published by the International Code Council, is hereby adopted as the code of the City of Fenton for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Fenton and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2000 edition, published by the International Code Council, on

†Editor's note—Ord. No. 612, § 4, adopted Feb. 11, 2002, repealed Art. III in its entirety and enacted new provisions as set out herein. Former Art. III pertained to the BOCA Fire Prevention Code and derived from Ord. No. 399, §§ 5-501—5-504 and 5-506, adopted April 26, 1982; and Ord. No. 528, §§ 3, 4, adopted Dec. 23, 1991.

(X) Current Fee schedule

**CITY OF FENTON  
RESOLUTION NO. 02-29**

**RESOLUTION SETTING EMERGENCY SERVICES FEES**

At a regular meeting of the City Council of the City of Fenton, Genesee County, held at 301 South Leroy Street, Fenton, MI 48430, on the 16<sup>th</sup> day of December, 2002, at 7:30 P.M. Eastern Daylight Time.

PRESENT: Angeluski, Hammond, King, Medor, North, Osborn, Rauch.  
ABSENT: None.

The following resolution was offered by Councilperson King and supported by Councilperson North:

WHEREAS, the City Council adopted Ordinance No. 613 to provide for the fair and equitable recovery of emergency response costs, and

WHEREAS, the Fire Department has calculated the cost of an average emergency response by the Department, and the costs associated with extraordinary responses, including those involving hazardous materials, which costs are currently paid entirely by the City and its residents, and

WHEREAS, the costs to be recovered, as determined by the Fire Department, are found to be fair and reasonable and based on a fair apportionment to those benefitting from the City's provision of emergency services.

THEREFORE, the City Council of the City of Fenton, resolves as follows:

1. The Table of Assessable Costs attached hereto as Appendix A is hereby adopted and shall be utilized in the recovery of Public Safety and Fire Emergency Response costs as provided in Ordinance No. 613.
2. The Fire Department shall have on hand the Table of Assessable Costs, which shall be provided to those requesting it without undue delay and without cost.
3. All prior resolutions in whole or part inconsistent with this resolution are hereby rescinded.

YEAS: Hammond, King, Medor, North, Osborn, Rauch.  
NAYS: Angeluski.

RESOLUTION DECLARED ADOPTED.





## APPENDIX A

### TABLE OF ASSESSABLE COSTS

1. Response to an (a) Excessive Request for Emergency Assistance, (b) False Alarm, (c) Bomb Threat, (d) Threat of Harm to One's Self, (e) Demolition:

Minimum Charge: \$700 per run.

Additional Cost: If the total response time (portal to portal) exceeds 1 hour, a Responsible Party shall be charged an additional cost of \$352.00 per hour or fraction thereof.

2. Hazardous Materials Incident or Emergency:

Minimum Charge: \$700 per run.

Additional Cost: A Responsible Party shall also pay all actual costs for materials, supplies, chemicals, or other Assessable Costs used in responding to the Incident or Emergency, as outlined in the International Fire Prevention Code adopted by reference in Ordinance No. 612, Chapter 12 of the City of Fenton Code of Ordinances.

3. Utility Line Failure:

Minimum Charge: \$700.00 per run.

Additional Cost: If the total response time (portal to portal) exceeds one hour, a Responsible Party shall be charged an additional cost of \$352.00 per hour or fraction thereof for each.

4. Intentionally Set Structure Fire or Illegal Fire:

Minimum Charge: \$700.00 per run.

For those incidents as outlined in Chapter 12 of the City of Fenton Code of Ordinances, a Responsible Party shall also pay all actual costs for materials, supplies or equipment used in responding to the incident or emergency.

ⓧ Proposed

ORDINANCE NO. \_\_\_\_

Field

**TO AMEND THE CITY OF FENTON CODE OF ORDINANCES**

An ordinance to establish cost recovery charges and exemptions for fire department services and other emergency services under Public Act 33 of 1951, as amended, MCL 41.801 *et seq.*, and to provide methods for collecting those charges.

THE CITY OF FENTON ORDAINS:

SECTION 1: *That the City of Fenton Code of Ordinances, Chapter 12, Fire Prevention and Protection, Article I, In General, Sec. 12-1 to 12-15, is hereby amended to read as follows:*

Article I. Charges for Fire Runs and Emergency Services

Sec. 12-1. Statement of Purpose.

This ordinance is adopted to enable the City of Fenton (“the City”) to bill for and collect “cost recovery charges,” as defined herein, from those receiving direct benefits from fire department services and other emergency services provided by the City.

It is expressly the purpose of this Ordinance to provide for and promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms.

Sec. 12-2. Definitions.

- A. “Bomb threat” means the verbal or written threat of a bomb or other explosive device which, if discharged as threatened, would violate a federal, state, or local law.
- B. “City” means the City of Fenton and all of its departments, specifically including its police and fire departments.
- C. “Cost Recovery Charges” include the non-exhaustive list of fire protection services and other emergency services enumerated in Section 12-3 of this ordinance.
- D. “Demolition of a structure” means the tearing down of a structure damaged by fire that must, as determined by the City of Fenton Fire Chief, be promptly demolished following the fire to protect public safety.
- E. Receiving a “direct benefit” means causing, requesting, or being involved in an accident or incident within the City limits that causes a response by the City (i.e. a fire run) to provide fire or other emergency services.

- F. “Downed power line or other non-HAZMAT public utility hazard response” means the disabling of any transmission, distribution, or service line, cable, conduit, pipeline, wire or the like used to provide, collect, or transport electricity, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television, and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to repair or correct such failure.
- G. “Excessive requests for emergency assistance” means any request for emergency assistance made to a particular location if emergency assistance has been requested to such location more than eight times in the preceding thirty days.
- H. “False Alarm” means any automated or manual device that requests or summons emergency assistance whether such device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the City of Fenton Fire Department Chief. A false alarm shall not be deemed to have occurred if: (i) it was caused by an act of God, i.e. a lightning storm; or (ii) it originates from a motor vehicle or building alarm system and it has not occurred more frequently than three times within a calendar month or four times within a calendar year.
- I. “Motor Vehicle” means any self-propelled or towed vehicle designed or used on the public streets, roads, and highways to transport passengers or property which is required to be registered for use upon such public streets, roads, and highways. For the purposes of this ordinance, all trailers and appurtenances attached to any motor vehicle are deemed to be a motor vehicle.
- J. “Responsible person” means an individual, firm, corporation, association, partnership, entity, consortium, or joint venture responsible for cost recovery charges and receiving a direct benefit from the fire protection services and/or other emergency services provided by the City, and the heirs, estates, successors, and assigns of such responsible person(s), subject to any limitations expressly stated in Section 12-6 (Exemptions) and Section 12-8 (Multiple Responsible Persons) herein.
- K. “Threats of harm to oneself or others” means any verbal or written threat of physical harm to oneself or another’s property that, if carried out, would be a violation of federal, state, or local law.

Sec. 12-3. Cost Recovery Charges.

Subject to Section 12-6 of this ordinance (Exemptions), the following is a non-exhaustive list of fire protection services and other emergency services that, when provided by the City within the City limits, are billable and collectible as “cost recovery charges” in accordance with the City’s Resolution Adopting Fee Schedule for this Ordinance and the fee schedule attached thereto.

- A. Responding to a multi or single motor vehicle and/or pedestrian accident, or other incident involving motor vehicle(s) and/or pedestrian(s).
- B. Responding to a grass, rubbish, motor vehicle, aircraft, ~~train~~, tree or forest, house, multiple-family building, hotel, motel, or other commercial establishment fire.
- C. Responding to a downed power line or other non-HAZMAT public utility hazard response.
- D. Responding to a false alarm.
- E. Responding to excessive requests for emergency assistance.
- F. Responding to a bomb threat.
- G. Responding to a threat to harm oneself or others.
- H. Demolition of a structure.
- I. Other emergency rescue service(s).
- J. Other services not specifically listed that are determined by the City of Fenton Fire Department Chief to be fire protection or other emergency services.

Sec. 12-4. Time for Payment of Cost Recovery Charges.

The cost recovery charges under this ordinance are due and payable by the responsible person(s) within 30 days from the date on the City’s invoice mailed to the responsible person(s) at his/her/its last known address. If payment is not made within 30 days from the date on the City’s invoice mailed to the responsible person(s) at his/her/its last known address, such cost recovery charges are collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt.

Sec. 12-5. Collection of Charges.

The City may proceed in district court, or any other court of competent jurisdiction, by suit to collect any cost recovery charges remaining unpaid from a responsible person(s), after the time limit for payment provided in Sec. 12-4 of this ordinance (Time for Payment of Cost Recovery Charges) and shall have any and all other remedies provided by and subject to law for the collection of such charges. After the time limit for payment provided in Sec. 12-4 of this ordinance (Time for Payment of Cost Recovery Charges), unpaid cost recovery charges constitute a lien upon the real property of the responsible person(s) in the City from which, upon which, or related to which the cost recovery charges were incurred. Such lien shall be the same character and effect as the lien created by City Charter for city real property taxes, and shall include accrued interest and penalties. The City Treasurer shall, prior to March 1 of each year, certify to the City Assessor the fact that such cost recovery charges are delinquent and unpaid. The City Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.

Sec. 12-6. Exemptions

The following properties and services are exempt from cost recovery charges under this ordinance:

- A. Responding to a fire involving City buildings, grounds, and/or property.
- B. Responding to a fire or providing other emergency services that are provided and performed outside of the City. Notwithstanding such exemption for services provided outside of the City, unless the City and other municipalities may have each adopted (an) ordinance(s) to impose fees for fire and emergency service runs within their respective territories under MCL 41.801 et seq., as amended.
- C. Responding to a fire caused by railroad trains, which are the specific statutory responsibility of railroad companies pursuant to the Railroad Code of 1993, as amended, MCL 462.101 et seq.
- D. Responding to a fire or providing other emergency services within the City limits that are provided to or performed for a resident of the City. This exemption is made due to the fact that City residents provide *pro rata* support for fire and other emergency services through taxes paid to the City. Provided, however, that this exemption does not apply if the City responds to a fire or provides other emergency services resulting from recurrent false alarms or excessive requests for other emergency services. For the purposes of this subsection, "recurrent false alarms" and "excessive requests for other emergency services" means more than three (3) such events within twelve (12) months.

Sec. 12-7. Non-Exclusive Charges.

Cost recovery charges are not the only charges that may be made by the City for the costs and expenses of providing fire protection and other emergency services within the City limits. Additional charges may be collected by the City through general taxation after an approving vote of the electorate or by a special assessment established under the applicable Michigan statute(s). General fund appropriates may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

Sec. 12-8. Multiple Responsible Persons.

When a particular fire protection or other emergency service rendered by the City directly benefits more than one person, each person so benefited is liable for the payment of the full charge for such service. Provided, however, that if a court of competent jurisdiction determines that one or more persons who received fire protection or other emergency service rendered by the City was at fault for the incident resulting in such service, the other person(s) involved in the incident shall not be considered "responsible persons" for the purposes of this ordinance. The interpretation and application of this section is delegated to the City of Fenton Fire Chief, subject only to written appeal within the time limits for payment in Section 12-4 of this ordinance (Time for Payment of Cost Recovery Charges) to the City Council, which written appeal tolls the time limit for payment, and shall be administered so that cost recovery charges shall only be collected from the recipients of the service.

Sec. 12-9. Non-Applicability of No Fault Act.

This ordinance provides authority to the City to collect "cost recovery charges" for fire and emergency **services** provided by the City, and within the City, to a responsible person(s). No claim under this ordinance is for, or relates to, property damage(s). Michigan's No Fault Act, as amended, MCL 500.3101 *et seq.*, does not apply to, conflict with, or preempt this ordinance.

Sec. 12-10. Non-Applicability of Natural Resources and Environmental Protection Act.

This ordinance provides authority to the City to collect "cost recovery charges" for fire and emergency **services** provided by the City, and within the City, to a responsible person(s). No claim under this ordinance is for, or relates to, the cleanup or remediation of hazardous substances, as defined in Part 201 of the Natural Resources and Environmental Protection Act, as amended, MCL 324.20101 *et seq.* Michigan's Natural Resources and Environmental Protection Act, as amended, MCL 324.20101 *et seq.*, does not apply to, conflict with, or preempt this ordinance.

Sec. 12-11. No Limitation of Liability.

The collection of cost recovery charges pursuant to this ordinance does not limit the liability of a responsible person under applicable local, state, or federal law.

Sec. 12-12. Severability.

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

Secs. 12-13 -- 12-15. Reserved.

SECTION 2: *The Clerk of the City of Fenton shall publish this ordinance in the manner prescribed by law.*

SECTION 3: *This Ordinance shall take effect immediately or as otherwise provided by law. All ordinances or parts of ordinances in conflict with this ordinance are repealed.*

At a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 201009, it was moved by \_\_\_\_\_ and supported by \_\_\_\_\_ that this Ordinance No. \_\_\_\_\_ be enacted. Motion \_\_\_\_\_.

\_\_\_\_\_  
Melinda Carrier, City Clerk

I, Melinda Carrier, City Clerk of the City of Fenton, hereby certify this to be a true and complete copy of Ordinance No. \_\_\_\_\_, duly adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 201009.

\_\_\_\_\_  
Melinda Carrier, City Clerk





# Proposed Cost Recovery Fee Schedules

## **Fee Schedule Option #1**

There would be a base fee of \$750 that would cover one (1) hour of service, including the cost of any equipment, vehicles, and manpower costs.

If the incident is in excess of one (1) hour they would be billed the firefighter charge and the cost of any equipment.

*After first hour*

\$15 per hour per firefighter  
\$500 per hour for ladder truck  
\$400 per hour for an Engine or Tanker  
\$300 per hour for a Rescue truck  
\$250 per hour for a brush truck  
\$200 per hour for a Utility truck  
\$150 per hour for a command unit

## **Fee Schedule Option #2**

No base fee. All responses would be billed using the below fees.

They would be billed for all payroll and equipment costs

\$25 per hour per firefighter  
\$500 per hour for ladder truck  
\$400 per hour for an Engine or Tanker  
\$300 per hour for a Rescue truck  
\$250 per hour for a brush truck  
\$200 per hour for a Utility truck  
\$150 per hour for a command unit

## **Fee Schedule Option #3**

There would be a base fee of \$750 that would cover one (1) hour of service, including the cost of any equipment, vehicles, and manpower costs.

*After first hour*

Each additional hour of service would be \$500

# Examples scenarios for the proposed Fee Schedule for the Cost Recovery ordinance

## **Scenario #1 A vehicle fire that takes approximately 45 minutes to mitigate.**

### *Based on fee schedule #1*

Two trucks respond (Engine 11 and Utility 27)  
Total invoice amount= Base fee of \$750

### *Based on fee schedule #2*

Two trucks respond (Engine 11 and Utility 27)  
Engine cost is \$400  
Utility cost is \$200  
Payroll costs are (12 firefighters at \$25) = \$300  
Total Invoice amount= \$900

### *Based on fee schedule #3*

Two trucks respond (Engine 11 and Utility 27)  
Total invoice amount= Base fee of \$750

**Scenario #2 A vehicle accident that takes two hours to mitigate.**

*Based on Fee schedule #1*

Three trucks respond (Rescue 26, Engine 11, and Utility 27)  
Base fee of \$750 for the first hour  
Rescue cost of \$300 for the second hour  
Engine cost of \$400 for the second hour  
Utility cost of \$200 for the second hour  
Payroll cost of (16 firefighters at \$15) \$240  
Total invoice amount= \$1,890

Based on fee schedule #2

Three trucks respond (Rescue 26, Engine 11, and Utility 27)  
Rescue cost of \$600  
Engine cost of \$800  
Utility cost of \$400  
Payroll cost of (16 firefighters at \$25) \$800  
Total invoice amount= \$2,600

Based on fee schedule #3

Three trucks respond (Rescue 26, Engine 11, and Utility 27)  
Base fee of \$750 for the first hour  
Second hour of service \$500  
Total invoice amount= \$1,250



July 14, 2010

OFFICE OF THE MAYOR  
ONE CITY SQUARE, SUITE 215  
WARREN, MI 48093-6726  
(586) 574-4520

Dear Government Leader,

As the mayor of Michigan's third largest city, I was proud to endorse the attached resolution developed by the Interfaith Center for Racial Justice and the Warren Area Ministerial Alliance.

I forwarded my endorsement to the Warren City Council that approved it at its June 22, 2010 meeting.

Called the "The Resolution: Re-affirming the American Values of Freedom, Justice, Equality and Justice," the statement calls for unity and a shared vision of our nation's values.

I am encouraging you to adopt the resolution at your earliest convenience.

If you have any questions, contact Rev. Michail T. Curro of the Interfaith Center for Racial Justice. His phone number and e-mail address are on the attached letter.

Thank you for your interest.

Sincerely,

A handwritten signature in black ink that reads "James R. Fouts".

James R. Fouts  
Mayor, City of Warren

# INTERFAITH CENTER FOR RACIAL JUSTICE (ICRJ)

ICRJ ... "Invoking a Community of Respect and Justice"



Monday, July 12, 2010

Dear Municipal Leader:

On behalf of the Interfaith Center for Racial Justice (ICRJ) and leaders from the Warren Area Ministerial Alliance (WAMA), we encourage your municipality to follow the lead of the City of Warren in adopting an appropriate version for your community of the attached resolution "Re-Affirming the American Core Values of Freedom, Equality, and Justice".

We applaud Mayor Fouts who fully endorsed this resolution and the Warren City Council that unanimously adopted it at their June 22, 2010 meeting. Their leadership demonstrates acknowledgement of the cosmopolitan nature of our community, growing diversity of our region, and the importance of communicating Warren's commitment to be inclusive and welcoming to new residents and businesses.

According to the 2000 US Census, our metropolitan region is the most segregated in the nation\*. This fact is not projected to change when the results from the current 2010 US Census are tabulated. For decades our region's difficulty in effectively addressing race and diversity has hindered regional cooperation and led to economic inequality between communities. We share a linked destiny and in order for the metropolitan Detroit area to move forward in creating a prosperous future for all we need to come together. Every metropolitan community has been experiencing hard times during the current economic recession and building a brighter tomorrow requires that we all work together while embracing our common core values of "freedom, equality, and justice".

Of course, adopting this resolution in your municipality is simply the beginning of joint efforts necessary to embrace a shared vision for metropolitan Detroit, but it is a very important step. Communicating one's values states both who we are and what we champion. Such leadership will inevitably guide and shape development in our region that will be positive for us all.

Please feel free to contact any of us if you would like further information. We look forward to your community joining Warren in supporting this resolution. Thank you.

\*(Joel Kurth, Oralandar Brand-Williams and Ron French, "Region is diverse, not mixed: Metro Detroit is most segregated area in nation, census shows," The Detroit News, April 1, 2001).

## **Officers**

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Rev. Tyrone Martin, VP  
Sarah Stovall, Treasurer  
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Rev. Roger Facione  
J. Dave Ivers  
Eric Jackson  
Sue Kattula  
Rev. Randy Phillips

## **Executive Director**

Rev. Michail T. Curro

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St. Ephrem Parish  
Henry Ford Macomb  
Hospitals  
St. Francis-St. Maximilian  
Parish  
St. Margaret of Scotland  
Parish  
St. Michael Parish  
St. Paul of Tarsus  
Parish