

**GERRISH TOWNSHIP PUBLIC SAFETY
EMERGENCY RESPONSE FEE ORDINANCE NO XXXXII**

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO RECOVER SERVICE FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWNSHIP OF GERRISH FOR EMERGENCY RESPONSE INCLUDING, BUT NOT LIMITED TO, MOTOR VEHICLE ACCIDENTS TO INCLUDE ANY RESCUE SERVICE PROVIDED WHERE SAID SERVICES ARE BEYOND THE CORE GOVERNMENTAL SERVICES AND ARE OUTSIDE THE PRIMARY FUNCTION AND SCOPE OF BASIC CRIMINAL PROTECTION, INVESTIGATION

WHEREAS, the Gerrish Township Police Department run activity to vehicular accidents on a regular basis and does place an increased demand on all operational areas of the Gerrish Township Police Department's services; cost for training and response to accident and rescue scenes will create increased demands on all operational areas associated to the Police Department services; and,

WHEREAS, the Gerrish Township Police Department have investigated different methods to maintain a high level of quality of emergency services throughout times of constantly increasing service demands; where maintaining an effective response by the Gerrish Township Police Department, decreases the insurance companies costs by saving lives and minimizing additional vehicular damage and accidents; and

WHEREAS, raising the property tax to meet the increase in service demands would be unfair to the property owners, when an increasing number of Motor Vehicle Accidents (MVA) are caused by individuals not owning property or paying property taxes in the jurisdiction of the Gerrish Township Police Department; and the ability of the Gerrish Township Police Department to effectively respond decreases the liability of the insurance companies by saving lives; and,

WHEREAS, this ordinance is authorized and based on MCLA 41.806a, Section 6a and the Gerrish Township Board of Trustees desires to implement a fair and equitable procedure by which to collect said MVA fees and shall establish a billing system in accordance with State and Federal laws, regulations and guidelines; Now, Therefore,

BE IT ORDAINED BY THE TOWNSHIP OF GERRISH:

SECTION 1. The Gerrish Township Police Department shall initiate service fees for the delivery of Gerrish Township Police Department services, personnel, supplies and equipment to the scene of motor vehicle accidents. The rate of the service fees shall be that which is the usual, customary and reasonable costs (UCR), which includes any services, personnel, supplies and equipment and may vary based on the actual costs of the individual accident.

SECTION 2. The service fees shall be charged to the responsible parties or "at-fault" driver, jointly and severally. Fees shall be initially filed to the responsible parties' motor vehicle insurance, representing an add-on cost of the claim for negligent driving and for damages of the vehicles, property and/or injuries. The claim costs shall be filed with the insurance company of the owner of a vehicle, owner of property, or other responsible parties. The township 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, including expenses, costs and reasonable attorney fees incurred to collect those costs. The recovery of charges imposed under this ordinance does not limit liability of responsible parties under any other local ordinance, or State or Federal law, rules or regulations.

SECTION 3. The Gerrish Township Board of Trustees may make rules or regulations, and from time-to-time may amend, revoke or add rules and regulations, relating to this Section as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.

SECTION 4. All amounts collected as a result of this Ordinance shall be placed into a fund as established by the Chief of Police to be used exclusively for personnel, supplies and equipment for the Gerrish Township Police Department.

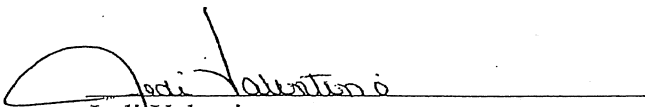
SECTION 5. It is found and determined that all formal actions of the Gerrish Township Board of Trustees concerning and relating to the adoption of this Ordinance were adopted in open meetings of the Gerrish Township Board of Trustees and that all deliberations of the Gerrish Township Board of Trustees and any of its committees that resulted in such formal actions were in compliance with all legal requirements, and the Codified Ordinances of the Township of Gerrish, County of Roscommon, State of Michigan.

SECTION 6. Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the remainder of this ordinance.

This Ordinance shall take immediate effect/thirty (30) days/immediately after publication. All ordinances or parts of ordinances in conflict are hereby repealed.

Published: March 22, 2012

Effective: April 21, 2012


Jodi Valentino
Township Clerk