

195.000 - EMERGENCY RESPONSE EXPENSES Ord. No. 91-03 Adopted: December 17, 1991

An Ordinance to provide for the collection of expenses relating to responding to an emergency.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS ORDAINS:

*Footnotes:**--- (1) ---*

Cross reference— *Liquor control, pt. 20; basic fire prevention code, pt. 190; fire prevention, pt. 191; hazardous waste cleanup, pt. 196.*

195.001 - Purpose.

Sec. 1. The Township of Atlas 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 controlled substances. In addition, the Township finds that there is a greater likelihood of personal injury and property damage in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances. As a result, an additional operational and financial burden is placed upon the Township's police, fire fighting and rescue services by persons who are operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances.

195.002 - Definitions.

Sec. 2. When used in this Ordinance, the following terms shall have the following meanings:

a. *Emergency response.*

1. The providing, sending and/or utilizing of police, fire fighting, emergency medical and/or rescue services by the Township or by private individuals or corporations operating at the request or direction of the Township, to an incident resulting in an accident involving one or more motor vehicles operated by one or more drivers who were impaired or under the influence of an alcoholic beverage and/or a controlled substance; or
2. The providing, sending and/or utilizing of police, fire fighting, emergency medical and/or rescue services by the Township, or by a private individual or corporation operating at the request or direction of the Township, to an incident resulting in a traffic stop and arrest of a driver who was operating a motor vehicle while impaired by or under the influence of an alcoholic beverage and/or controlled substance by a police officer.

b. *Expense of an emergency response.*

The direct and reasonable costs incurred by the Township or by a private person or corporation operating at the request or direction of the Township in the course of emergency response to the incident, including the costs of providing police, fire fighting, emergency medical and/or rescue services at the scene of the incident. These costs further include all of the salaries and wages of Township personnel responding to the incident, all salaries and wages of Township personnel engaged in investigation, supervision and report preparation, all costs connected with the administration and preparation of all chemical tests of the driver's blood, breath or urine.

195.003 - Liability for expense of an emergency response.

Sec. 3.

- a. *Person responsible.* A person is liable for the expense of an emergency response, if while impaired or under the influence of alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and a controlled substance, such person's operation of a motor vehicle proximately causes any incident resulting in an emergency response.
- b. *Presumptions.* For the purpose of this ordinance, a person is impaired by or under the influence of an alcoholic beverage or a controlled substance, or the combined influence of an alcoholic beverage and 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 impaired by or under the influence of an alcoholic beverage 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 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 in the same manner as in the case of an obligation under expressed or implied contract.
- d. *Cost recovery schedule.* The Township Board shall, by resolution, adopt a schedule of the costs included in an emergency response. Such schedule shall be available to the public from either the Township Clerk or Police Department.
- e. *Billing.* The Chief of Police, or his or her designee, may, within ten days of receiving the 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 ordinance. The bill(s) shall require full payment within 30 days from the date of service.

- f. *Failure to pay.* Any failure by the person described in this ordinance as liable to pay the bill for the expense of an emergency response within 30 days of service shall be considered at default. In case of default, the Township may commence civil suit to recover such expense plus any costs allowed by law.

195.006 - Severability.

Sec. 6. The phrases, sentences, sections and provisions of this ordinance are severable and the finding that any portion thereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of this Ordinance.

195.005 - Effective date.

Sec. 5. This Ordinance shall take effect immediately upon publication thereof. The foregoing ordinance was enacted by the Township Board of the Township of Atlas on the 17th day of December, 1990.