

Chapter 5

Fire Prevention and Protection*

Art. I.	Fires, §§ 5-1, 5-2
Art. II.	Incident Cost Recovery, §§5-3-5.11

Article I. Fires

Sec. 5.1. Requests for assistance by fire chief.

In case of any fire in the village the chief of the fire department may require the assistance of any bystander in extinguishing any fire and in removing any property or the preservation or protection thereof. It shall be the duty of such bystander so called upon when so requested to assist in extinguishing such fires and in removing, preserving and protecting such property.

(Ord. No. 14, § 1,6-19-44)

State law reference-Authority to command aid, MCL70.5, MSA5.1401.

Sec. 5.2. Interference with firefighters.

No person shall willfully interfere with any firefighter in the discharge of his duty as firefighter, nor willfully impede or obstruct any firefighter in going to a fire, nor shall any person willfully do any act to delay the suppression of fire within the village.

(Ord. No. 14, § 2, 6-19-44)

Article II. Incident Cost Recovery

Sec. 5.3. Purpose.

The village finds that a significant potential exists for police, fire department and rescue service's responses to incidents involving the release or threatened release of hazardous materials. Such incidents create a great likelihood of personal injury and/or property damage. The control and abatement of such incidents places a significant financial and operational burden upon the township police, fire fighting and rescue services.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5.4. Definitions.

* **Cross references**-Buildings and building regulations, Ch. 4; obstructing firemen, § 10-29;false alarm of fire, § 10-30; fireworks, § 10-308.

State law references-Fires and fire departments, MCL70.1 et seq., MSA 5.1397 et seq.; State Fire Prevention Act, MCL29.1 et seq., MSA4.559(1) et seq.; crimes related to explosives and bombs,MCL750.200 et seq., MSA28.397 et seq.; crimes related to fires, MCL750.240 et seq., MSA28.437 et seq.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Emergency response means the providing, sending and/or utilizing of police, fire fighting, emergency medical and rescue services by the township, or by a private industrial entity or corporation operating at the request or direction of the village or State of Michigan, for an incident resulting in a hazardous materials release or threatened release.

Expenses of an emergency response means the direct and reasonable costs incurred by the village, or by a private person, corporation, or other assisting government agency which is operating at the request or direction of the village, when making an emergency response to the hazardous materials incident, including the cost of providing police, fire fighting, rescue services, emergency medical services, containment, and abatement of all hazardous conditions at the scene of the incident. The costs further include all of the salaries and wages of village personnel responding to the incident, salaries and wages of village personnel engaged in the investigation, supervision and report preparation regarding said incident, all salaries and wages of personnel of assisting government agencies operating at the request or direction of the village and all costs connected with the administration of the incident relating to any prosecution of the person(s) responsible, including those relating to the production and appearance of witnesses at any court proceedings in relation thereto. Costs shall also include but not limited to such items as disposable materials and supplies used during the response to said incident, the rental or leasing of equipment used for the specific response, replacement of equipment which is contaminated beyond reuse or repair during the response to said incident, special technical services and laboratory cost, services and supplies purchased for any specific evacuation relating to said incident and any other cost reasonably associated with the emergency services clean up.

Hazardous material means explosives, pyrotechnics, flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, poisonous solid, irritating material, etiological material, radioactive material, corrosive material, liquefied petroleum gas, or any other hazardous material as defined in MCL 299.501.

Owner means any person having a vested or contingent interest in the property, premises, container or vehicle involved in the hazardous materials incident, including but not limited to any duly authorized agent or attorney, purchaser, devisee, or fiduciary of said person having vested or contingent interest.

Premises means any lot or parcel of land, exclusive of building, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junkyard, wharf, pier, public roadway, and any other place or enclosure, however owned, used or occupied.

Vehicles means any mode which is used as an instrument of conveyance, including but not limited to motor vehicles, railroads, boats, aircraft, etc.
(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-5. Duty to remove.

It shall be the duty of the owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle to immediately contain and control such hazardous material and undertake and complete a total cleanup of the area in such a manner as to ensure that all leakage, spillage or other dissemination of hazardous material is fully removed and the area is fully restored to its condition prior to the placement, leakage, spillage or other dissemination of such hazardous material.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-6. Failure to remove and/or clean up.

In the event the owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle, fails to remove in a timely manner, hazardous materials after an emergency response involving hazardous materials or comply completely with the above section the village shall have the right to enter onto said property and remove and conduct a cleanup of all such hazardous materials either by governmental employees or by contractors and agents of said government. Prior to engaging in such cleanup, the village shall make diligent efforts to notify the owner of its duty to abate said emergency. All costs associated with such containment, control, removal and cleanup are in addition to the costs associated in the following sections and are to be reimbursed in like manner.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-7. Liability for expense of an emergency response - Person(s) responsible.

The owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises; property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle shall be required to reimburse the village for all expenses of an emergency response to said hazardous materials incident.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-8. Charge against person.

The expense of an emergency response shall be a charge against the person or corporation liable for the expenses under this article. The charge constitutes a debt of that person or corporation and is collectible by the village in the same manner as in the case of an obligation under contract, express or implied.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-9. Cost of recovery schedule.

The village shall, by resolution, as soon as possible after an emergency response, adopt a schedule of the costs included within the expense of the emergency response. This schedule shall be available at the office of the village clerk for inspection by the public.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-10. Billing.

The village may, within ten (10) days of receiving itemized cost, 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 or corporation liable for the expenses as enumerated under this article. The bill(s) shall require full payment within thirty (30) days from the date of mailing or service of said bill upon the responsible person.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)

Sec. 5-11. Failure to pay; procedure to recover costs.

Any failure by the person or corporation described in this article as liable or responsible for expenses of an emergency response to pay said bill within thirty (30) days of mailing or service of the bill shall constitute a default on said bill. In the case of default, the village shall have the right power to add all emergency response costs to the tax roll as incident, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property or premises. The village shall also have the right to bring action in a court of competent jurisdiction to collect said costs if the village deems such action to be necessary.

(Ord. No. 56, 5-15-93; Ord. No. 65, § 2, 8-12-96)