

**CITY OF IONIA
IONIA COUNTY, MICHIGAN
Ordinance No. 596**

**AN ORDINANCE TO AMEND PART SIXTEEN, CHAPTER 1612
(EMERGENCY AND FIRE SERVICES RESPONSE COST RECOVERY),
SECTIONS 1612.02 (DEFINITIONS), 1612.03 (CITY'S ASSESSABLE
COSTS), AND 1612.04 (BILLING AND COLLECTION OF ASSESSABLE
COSTS) OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA.**

The CITY OF IONIA HEREBY ORDAINS :

Section 1. Amendment to Section 1612.02. That Part Sixteen, Chapter 1612, Section 1612.02 entitled "Emergency and Fire Services Response Cost Recovery; Definitions" of the Codified Ordinances of the City of Ionia, is amended to read in its entirety as follows:

1612.02 DEFINITIONS.

Unless the context explicitly indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

(a) "Assessable costs" means the direct and reasonable costs incurred in connection with a response to a public safety or fire emergency incident within the City.

(1) Assessable costs ~~include~~ are intended to cover all, but ~~are~~ not limited to, of the following:

- A. Salaries, wages, or fringe benefits of the City personnel responding to the incident;
- B. Salaries, wages, or fringe benefits of the City personnel engaged in the investigation, supervision and report preparation regarding the incident;
- C. Salaries, wages, or fringe benefits of the personnel of assisting governmental agencies or any other private or public entities operating at the request, direction, or on behalf of the City in response to the incident; and
- D. 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 appearances of any witnesses.

(2) Assessable costs also may include, but are not limited to:

- A. Per hour operating cost of responding vehicle or equipment, including the rental or leasing of equipment for a specific response (the latest Federal Emergency Management Agency's ("FEMA") Fire/ Rescue Equipment Rates shall be followed unless otherwise articulated be the City);
- B. Depreciation value and/or replacement cost of equipment which is destroyed or contaminated in the response;
- C. Mutual aid costs;
- D. Laboratory costs and equipment;
- E. Fuel costs;
- F. Water usage costs;

- G. Medical expenses incurred as a result of response activities; and
- H. Any legal expenses that may be incurred as a result of an emergency response including efforts to recover expenses pursuant to this chapter.

~~(3)~~ Excluded from this definition are any assessable costs solely and distinctly incurred as necessary to response activities connected to a hazardous material incident or emergency otherwise recoverable under the hazardous materials cost recovery scheme provided in Michigan's National Resources and Environmental Protection Act ("NREPA"), MCL 324.20101 et seq.

~~(3)(4)~~ Without limiting the foregoing, the City's assessable cost, fee, and rate schedule shall be as established pursuant to a Resolution adopted by the City Council from time to time, which Resolution shall be maintained on file in the offices of the City Clerk and made available to any member of the public upon request.

(b) "City" means the City of Ionia.

(c) "Emergency assistance" means any response by medical, public safety, police, fire, or civil defense services to respond to an emergency incident.

(d) "Emergency incident" includes the following:

~~Excessive requests for emergency assistance;~~

~~(1) A false alarm;~~

~~(2)(1) A hazardous material incident or emergency;~~

~~(3)(2) An illegal fire;~~

~~(4)(3) Threats of harm;~~

~~A structure demolition or utility line failure;~~

~~(5)(4) Water rescue attempts; or~~

~~(6)(5) Any other incident where emergency medical, public safety, police, fire, or civil defense services are necessary.~~

~~(e) "Excessive request for emergency assistance" means any request for emergency assistance made for a particular location or premises if emergency assistance has been provided to that location or premises more than five times in the preceding 30 days.~~

~~(f) "False alarm" means the intentional or non-intentional activation of an automated or manual device that was designed to request or summon emergency assistance when there was no need for emergency assistance, and any request for emergency assistance when the requesting person or entity knew or should have known that there was no actual need for such assistance. The determination that there was no actual need for emergency assistance shall be made by the Director of the Department of Public Safety or by the most senior official of the Department of Public Safety responding to the false alarm. A false alarm shall not include any response to a request for emergency assistance which was caused by an act of God.~~

~~(g)(e)~~ "Hazardous material incident or emergency" means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is

reasonably imminent, as determined by the Director of the Department of Public Safety or the most senior official of the Department of Public Safety responding to the incident.

~~(h)~~(f) “Hazardous materials” means any explosive, pyrotechnic, compressed gas, flammable liquid, flammable solid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, poisonous solid, etiological material, radioactive material, corrosive material or liquefied petroleum gas and also includes, but is not limited to, any of the following:

- (1) Any material listed in the list of toxic pollutants found in 40 CFR 401.15, et seq., as amended, or under any other federal law or regulations;
- (2) Any material regulated as a class A or class B explosive by the United States Department of Transportation, pursuant to 49 CFR 173.5;
- (3) Any flammable liquid or solid regulated by the United States Department of Transportation, pursuant to 49 CFR 171.1, et seq.;
- (4) Any material designated as a hazardous material by the Secretary of the United States Department of Transportation through regulations found at 49 CFR 171.1, et seq.;
- (5) Any material deemed a "hazardous substance" as defined by 1994 PZ 451, part 207, Subsection 20101(n), MCL 324.20101(n);
- (6) Any material designed a hazardous material by state or federal law or regulations;
- (7) Any hazardous chemical substance or mixture with respect to which the Administrator of the Environmental Protection Agency has taken action pursuant to section 7 of the Toxic Substance Control Act; and
- (8) Any otherwise non-hazardous material that becomes a potential hazard to vehicular or pedestrian traffic.

~~(h)~~(g) “Illegal fire” means 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 a fire caused by an act of God.

~~(h)~~(h) “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.

~~(h)~~(i) “Responsible party” means any individual, firm, corporation, association, partnership, government entity, or other entity responsible for an emergency incident or assistance or any owner, tenant, occupant, or party in control of real and personal property from which, onto which, or related to which there is an emergency incident or assistance and their heirs, estates, successors, and assigns.

~~(i) “Structure demolition” means the tearing down of a structure damaged by fire that must, in the opinion of the Director of the Department of Public Safety or the most senior official of the Department of Public Safety responding to the incident, be promptly demolished following the fire to protect public safety.~~

~~(m)~~(j) “Threat of harm” means the verbal or written threat of physical harm to oneself, another, or another's property which if carried out would be a violation of federal, state, or local law.

~~(n)~~ “Utility line failure” means the disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, natural gas, communication or electronic signals, or water, 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.

~~(o)~~(k) “Vehicle” means any motorized or self-propelled means of transportation including, but not limited to, automobiles, ATVs, railroad engines, and other cars, boats, helicopters, planes, and/ or other aircraft, and all trailers, vehicles, or other appurtenances attached to any vehicle.

~~(p)~~(l) “Water rescue” means any emergency incident on a body of water where emergency medical, public safety, police, fire, or civil defense services are necessary. Bodies of water include rivers, lakes, streams, impoundments, estuaries, springs, wells, or other collectors/collections of water.

Section 2. Amendment to Section 1612.03 That Part Sixteen, Chapter 1612, Section 1612.03 entitled “Emergency and Fire Services Response Cost Recovery; City’s Assessable Costs” of the Codified Ordinances of the City of Ionia, is amended to read in its entirety as follows:

1612.03 CITY’S ASSESSABLE COSTS

(a) The City may recover all of its assessable costs, and those of mutual aid providers having timely submitted an itemized assessable cost recovery request to the City’s Director of the Department of Public Safety, incurred in connection with any emergency assistance provided within its boundaries from any or all responsible parties jointly and severally.

~~(b)~~ The ~~City Manager or, in his or her absence, the Director of the Ionia~~ Department of Public Safety ~~or other City officer designated by the Council as its representative in this matter (“Council’s designee)~~ shall ~~determine the City’s total set assessable costs and shall in such cost rates for the delivery of emergency incidents determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determinations, the following shall be considered:~~

~~(c)~~

~~(d)~~ Total assessable costs;

~~(e)~~ Any risk the incident imposed on the City, its residents and their property;

~~(f)~~ The risk of injury or damage to persons or property;

~~(g)~~ Any evacuation required because of the incident;

~~(h)~~ Any unusual or extraordinary use of the City assistance for personnel, or supplies, and equipment, and/or

~~(i)~~ Any damage to the environment.

~~(j)~~

~~(k)(b) After scene of an emergency incident. Those rates of assessable costs for the consideration delivery of emergency assistance services shall be set by a Resolution of the factors listed in (b) immediately above, the City Manager or the Council's designee may allocate Council. The assessable costs among cost rates shall be based on actual costs of the services and that which are usual, customary, and reasonable (UCR), and between responsible parties, including allocating all or some of such costs jointly which may include any services, personnel, supplies, and severally against more than one responsible party regardless of whether a responsible party has other legal liability or is legally at fault equipment with baselines established by a Resolution of the City Council.~~

~~(f) Whether the City Manager, Director of the Department of Public Safety, or the Council's designee determines to assess all, part or none of the 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 or any other person, corporation, partnership, government entity or any other entity.~~

~~(c) The assessable cost rates set by Resolution of the City Council will increase annually based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor. Rate adjustments will occur on the anniversary date of the Resolution, unless otherwise set forth in the Resolution setting the assessable cost rates, to keep the fire department's cost recovery program in conformity with increasing operating expenses. The City Council may amend the assessable cost rates from time to time to ensure that the rates reflect the actual costs of providing the emergency response services.~~

Section 3. Amendment to Section 1612.04 That Part Sixteen, Chapter 1612, Section 1612.04 entitled "Emergency and Fire Services Response Cost Recovery; Billing and Collection of Assessable Costs" of the Codified Ordinances of the City of Ionia, is amended to read in its entirety as follows:

1612.04 BILLING AND COLLECTION OF ASSESSABLE COSTS.

~~(a) After determining to assess the assessable costs against one or more responsible party(s), a claim shall first be filed to the responsible party(s) through their insurance carrier(s).~~

~~(b) If a responsible party's insurance carrier denies a claim, otherwise fails to make payment on a claim, or if a responsible party is determined to lack sufficient insurance to cover all of the assessable costs attributable to that responsible party, an itemized invoice shall be sent to the responsible party at the party's last known address.~~

~~(c) Such invoice Claims or invoices sent under this Section shall be due and payable within 30 days of the date of mailing and any amounts unpaid after such date 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 remain unpaid. If a responsible party shall appeal assessable costs pursuant to Section 1612.05 hereof, such costs, if upheld, in whole 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.

~~(e)(d) Should any claim or invoice remain unpaid under this Chapter for more than 30 days, the City may initiate an action in a court of competent jurisdiction to recover such monies from a responsible party, and the City shall be able to recover its attorney fees and costs for such action.~~

Section 4. Repealer.

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 5. Severability.

Should any section, portion or part of this Ordinance be declared to be invalid by a court of competent jurisdiction, such declaration does not void or render inoperable any other part of this Ordinance.

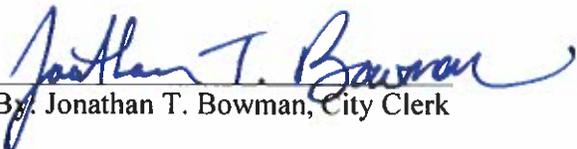
Section 6. Publication and Effective Date.

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect immediately upon publication of a summary thereof as permitted by law, along with the date of its adoption, in the *Daily News*, a newspaper of general circulation in the City.

ORDINANCE NO. 596 DECLARED ADOPTED.

CITY OF IONIA

Dated: 10/1/25


By: Jonathan T. Bowman, City Clerk

Introduction and First Reading:	September 3, 2025
Notice of Public Hearing:	September 13, 2025
Public Hearing, Second Reading, Adoption:	October 1, 2025
Effective (upon publication):	October 7, 2025