

## Chapter 10

### EMERGENCY SERVICES\*

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\* **Cross References:** Businesses, ch. 8; fire prevention and protection, ch. 14.  
**State Law References:** Municipal emergency services, MCL 124.601 et seq., MSA 5.4087(60) et seq.

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#### Article I. In General

Secs. 10-1--10-30. Reserved.

#### Article II. Liability for Emergency Response

Sec. 10-31. Purpose of article.  
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Sec. 10-33. Liability for expense.

### ARTICLE I.

#### IN GENERAL

Secs. 10-1--10-30. Reserved.

### ARTICLE II.

#### LIABILITY FOR EMERGENCY RESPONSE

**Sec. 10-31. Purpose of article.**

The village finds that a significant number of traffic arrests and traffic accidents in the village involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances. In addition, the village finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and financial burden is placed upon the village's police, firefighting and rescue services by persons who are operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances. (Ord. No. 94-01, § 1, 1-3-1994)

**Sec. 10-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Emergency response* means:

- (1) The providing, sending and/or utilizing of police, firefighting, emergency medical and rescue services by the village, or by a private individual or corporation operating at the request or

direction of the village, to an incident resulting in an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance.

- (2) An incident resulting in a traffic stop and arrest by a police officer when a driver was operating the motor vehicle while under the influence of an alcoholic beverage and/or controlled substance.

*Expense of an emergency response* means the direct and reasonable costs incurred by the village, or to a private person or corporation operating at the request or direction of the village, when making an emergency response to the incident, including the costs of providing police, firefighting and rescue services at the scene of the incident. These costs further include all of the salaries and wages of the village personnel engaged in investigation, supervision and report preparation; all costs connected with the administration and provision of all chemical tests of his blood, breath or urine; and all costs related to any prosecution of the person causing the incident.

(Ord. No. 94-01, § 2, 1-3-1994)

**Cross References:** Definitions generally, § 1-2.

### **Sec. 10-33. Liability for expense.**

(a) *Person responsible.* Any person is liable for the expense of an emergency response, if while under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and 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 article, a person is under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance, when his physical or mental abilities are impaired to a degree that he 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 under the influence of an alcoholic beverage if a chemical analysis of his blood, urine or breath indicates that the amount of alcohol in his blood was in excess of 0.07 percent.

(c) *Charge against person.* The expense of an emergency response shall be a charge against the person liable for the expenses under this article. The charge constitutes a debt of that person and is collectible by the village for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(d) *Cost recovery schedule.* The village council shall, by resolution, adopt a schedule of the costs included within the expenses of an emergency response. This schedule shall be available to the public from either the village clerk or the police department.

(e) *Billing.* After having prepared or received an itemized list of costs, or any part thereof, incurred for an emergency response, the chief of police or his designee shall submit a bill for costs by first class mail or personal service to the person liable for the expenses as enumerated under this article. The bills shall require full payment in 30 days from the date of service.

(f) *Failure to pay; procedure to recover costs.* Any failure by the person described in this article as liable for the expense of an emergency response, to pay the bill within 30 days of service, shall be considered in default. In case of default, the village may commence civil suit to recover the expenses and any costs allowed by law.

(Ord. No. 94-01, § 3, 1-3-1994)