

Date Enacted: 03/16/04

TOWNSHIP OF RAY  
MACOMB COUNTY, MICHIGAN  
ORDINANCE 62 AS REVISED WITH ORDINANCE 62A

RAY TOWNSHIP FIRE DEPARTMENT  
OUIL COST RECOVERY ORDINANCE

TITLE

AN ORDINANCE to recover the costs and damages incurred by Ray Township Fire Department in making emergency responses to motor vehicle accidents and/or incidents involving individuals who are operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN, ORDAINS:

ARTICLE I. Short Title.

This ordinance shall be known and cited as the *Ray Township OUIL Cost Recovery Ordinance*.

**ARTICLE II. Intent and Purpose.**

A significant number of emergency incidents and accidents in the Township of Ray involve drivers operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or a combination of both. Furthermore, the Township finds there is a greater likelihood of personal injury and property damage in accidents involving a driver operating under the influence of intoxicating liquor or controlled substance, or a combination of both. As a result the Township finds that a greater operational and financial burden has been placed on the Township Fire Department, rescue and Macomb County Sheriff Department Services by persons who are operating a motor vehicle while under the influence of alcoholic beverages or a controlled substance, or a combination of both, and it is necessary to recover these increased emergency response costs.

**ARTICLE III. Scope and Application.**

(a.) Interpretation. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion of the public health, safety and welfare, for persons and property within the Township of Ray.

(b.) Interference with other ordinances. This Ordinance shall not interfere with, abrogate, annul or repeal any other valid law, ordinance, rule or regulation previously in effect, including any other valid cost recovery ordinance. Moreover, in instances where this Ordinance specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this Ordinance shall govern.

(c.) Conflicts with State law. This Ordinance is not intended to conflict with and/or preempt application of the statutes of the State of Michigan and the laws of the United

States against operating a motor vehicle under the influence of intoxicating liquor or controlled substance, or a combination of both.

(d.) Prosecution of other ordinances. This Ordinance is not intended to govern prosecution of Township Ordinances against operating under the influence of intoxicating liquor or a controlled substance, or a combination of both.

**ARTICLE IV. Enabling Authority.**

This ordinance is adopted pursuant to and in accordance with the provisions of Act 246, Public Acts of 1945, as amended, and Act 359, Public Acts of 1947, as amended.

**ARTICLE V. Definitions.**

For the purpose of construction and application of this Ordinance, the following definitions shall apply:

- (a.) "Emergency response" shall mean providing, sending or utilizing police (including Macomb County Sheriff Department), fire fighting or emergency medical service by the Township, or by a private individual or corporation operating at the request or direction of the Township, in connection with any incident involving a driver of a motor vehicle operating under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance. These incidents shall include, but not be limited to, the effectuation of a traffic stop or an arrest by a Macomb County Sheriff Deputy of a person for a violation of Ray Township Ordinances or state law or any accident involving a motor vehicle where one or more of the drivers were operating a motor vehicle while under the influence of intoxicating liquor or controlled substance, or combination of intoxicant liquor and controlled substance.

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(b.) "Cost of Emergency Response" shall mean all direct and reasonable costs related to an emergency response incurred by the Township or by private individuals or corporation operating under the direction of the Township. These costs shall include, but are not limited to, the costs of the police (Macomb County Sheriff Department), fire fighting, emergency medical and rescue services; the salaries, wages, fringe benefits of any personnel responding to the incident; the salaries wages and fringe benefits of any personnel engage in investigating the incident an all costs of any related reports; all costs connected with the supervision of personnel responding to, or investigating any incident; all costs linked with the administration of processing the chemical tests of blood, breath or urine of the driver. Costs for Fire Department apparatus and personnel shall be assessed pursuant to the schedule published by the Macomb County Fire Chiefs Association.

(c.) "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976, as amended, being § 125.1102 of the Michigan Compiled Laws, including but not limited to any snowmobile, off road vehicle, or vessel.

(d.) "Township" shall mean the Township of Ray, Macomb County, Michigan.

(e.) "Township Board" shall mean the governing body of the Township.

ARTICLE VI. Liability For Costs Of An Emergency Response.

(a.) Liability. Any person is liable for the costs of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a

combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

(b.) Presumptions. For the purpose of this Ordinance, a person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are so weakened by the consumption of alcohol that he or she drove with less ability than would an ordinary, careful, and prudent driver of 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 .07%.

(c.) Civil Liability. The liability for reimbursable expenses described in this Ordinance, shall be of a civil nature and shall not be construed to conflict, contravene, enlarge, or reduce any criminal liability or responsibility including fines and/or costs imposed by a judge or magistrate on a driver for operating a motor vehicle while under the influence of an alcoholic beverage and/or controlled substance or the combined influence of an alcoholic beverage and controlled substance.

(d.) Charges Against A Person. The costs of an emergency response shall be a charge against the person liable for the costs of an emergency response. The charge constitutes a debt of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(e.) Certification of Expenses. Township personnel and departments involved in an emergency response shall keep an itemized record of recoverable expenses resulting from an emergency response. Promptly after completion of an emergency response, the Township departments shall certify those expenses to the Fire Chief, or the Chief's agent.

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(f.) Billing. The Fire Chief or the Chief's agent may, within 30 days of receiving a complete list of itemized costs of an emergency response, submit a bill for these costs by first class mail, certified mail or personal service to the person liable for the costs. This bill shall require full payment in 30 days from the date of service.

(g.) Failure To Pay; Procedure To Recover Costs. Any failure by the person described in this Ordinance as liable for the costs of an emergency response, to pay the bill within 30 days of service shall be considered in default. In case of default, the Township of Ray may commence a civil suit to recover the costs plus any additional costs or expenses allowed by law.

**ARTICLE VII. Repeal of Conflicting Provisions.**

All resolutions, ordinances or parts thereof conflicting with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**ARTICLE VIII. Severability.**

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If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**ARTICLE IX. Publication.**

A true copy of this Ordinance or summary thereof shall be published in the Romeo Observer, a newspaper of general circulation in the Township of Ray. A complete copy of the Ordinance is available for inspection by the public at the Township Clerk's office.

**ARTICLE X. Effective Date-**

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This ordinance shall take effect 30 days from and after the publication of a true copy of Summary thereof as provided in Section 4.

TOWNSHIP OF RAY  
MACOMB COUNTY, MICHIGAN

ORDINANCE NO: 62

RAY TOWNSHIP FIRE DEPARTMENT  
OUIL COST RECOVERY ORDINANCE

TITLE

AN ORDINANCE to recover the costs and damages incurred by Ray Township Fire Department in making emergency responses to motor vehicle accidents and/or incidents involving individuals who are operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN, ORDAINS:

ARTICLE I.      Short Title.

This Ordinance shall be known and cited as the *Ray Township Fire Department OUIL Cost Recovery Ordinance.*

**ARTICLE II. Intent and Purpose.**

A significant number of emergency incidents and accidents in the Township involve drivers operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or a combination of both. Furthermore, the Township finds that there is a greater likelihood of personal injury and property damage in accidents involving a driver operating under the influence of intoxicating liquor or controlled substance, or a combination of both. As a result, the Township finds that a greater operational and financial burden has been placed on the Township's fire department and rescue services by persons who are operating a motor vehicle while under the influence of alcoholic beverages or a controlled substance, or a combination of both, and that it is necessary to recover these increased emergency response costs.

**ARTICLE III. Scope and Application.**

(a.) Interpretation. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion of the public health, safety and welfare, for persons and property within the Township of Ray.

(b.) Interference with other ordinances. This Ordinance shall not interfere with, abrogate, annul or repeal any other valid law, ordinance, rule or regulation previously in effect, including any other valid cost recovery ordinance. Moreover, in instances where this Ordinance specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this Ordinance shall govern.

(c.) Conflicts with State law. This Ordinance is not intended to conflict with and/or preempt application of the statutes of the State of Michigan and the laws of the United



TOWNSHIP OF RAY  
COUNTY OF MACOMB  
ORDINANCE NO. 62A

AMENDMENT OF RAY TOWNSHIP ORDINANCE NO. 62  
RAY TOWNSHIP OUIL COST RECOVERY ORDINANCE

Title

An Ordinance amending the Ray Township Fire Department OUIL Cost Recovery Ordinance, being Ordinance No. 62, to include the recovery of costs and damages incurred by Ray Township as a result of Macomb County Sheriff Department personnel assigned to the Township of Ray making emergency responses to motor vehicle accidents and/or incidents involving individuals who are operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance and repealing any and all Ordinances and/or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN  
ORDAINS:

**Section 1. Amendments.**

The Ray Township Fire Department OUIL Cost Recovery Ordinance, being Ordinance No. 62, of the Ray Township Ordinances is hereby amended as follows:

Subsection 1.1 Article I (Short Title) is hereby repealed and the following substituted therefor:

**Article I. Short Title.**

This Ordinance shall be known and cited as the Ray Township OUIL Cost Recovery Ordinance.

Subsection 1.2 Article II (Intent and Purpose) is hereby repealed and the following substituted therefor:

**Article II. Purpose.**

A significant number of emergency incidents and accidents in the Township of Ray involve drivers operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or a combination of both. Furthermore, the Township finds there is a greater likelihood of personal injury and property damage in accidents involving a driver operating under the influence of intoxicating liquor or controlled substance, or a combination of both. As a result, the Township finds that a greater operational and financial burden has been placed on the Township for Fire Department, rescue and Macomb County Sheriff Department services by persons who are operating a motor vehicle while under the influence of alcoholic beverages or a controlled substance, or a combination of both, and it is necessary to recover these increased emergency response costs.

Subsection 1.3 Article V (Definitions) (a) shall be repealed and the following substituted therefor:

- (a) "Emergency response" shall mean providing, sending or utilizing police (including Macomb County Sheriff Department), fire fighting or emergency

States against operating a motor vehicle under the influence of intoxicating liquor or controlled substance, or a combination of both.

(d.) Prosecution of other ordinances. This Ordinance is not intended to govern prosecution of Township Ordinances against operating under the influence of intoxicating liquor or a controlled substance, or a combination of both.

**ARTICLE IV. Enabling Authority.**

This ordinance is adopted pursuant to and in accordance with the provisions of Act 246, Public Acts of 1945, as amended, and Act 359, Public Acts of 1947, as amended.

**ARTICLE V. Definitions.**

For the purpose of construction and application of this Ordinance, the following definitions shall apply:

- (a) "Emergency Response" shall mean providing, sending or utilizing fire fighting or emergency medical service by the Township, or by a private individual or corporation operating at the request or direction of the Township, in connection with any incident involving a driver of a motor vehicle operating under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance. These incidents shall include, but not be limited to, any accident involving a motor vehicle where one or more of the driver's was operating a motor vehicle while under the influence of intoxicating liquor or controlled substance, or combination of intoxicating liquor and controlled substance.

- ( )
- (b.) "Cost Of Emergency Response" shall mean all direct and reasonable costs related to an emergency response incurred by the Township or by private individuals or corporation operating at the request of the direction of the Township. These costs shall include, but are not limited to, the costs of the fire fighting, emergency medical and rescue services; the salaries, wages, fringe benefits of any personnel responding to the incident; the salaries, wages and fringe benefits of any personnel engaged in investigating the incident and all costs of any related reports; all costs connected with the supervision of personnel responding to, or investigating any incident; all costs linked with the administration of processing the chemical tests of blood, breath or urine of the driver. Costs for Fire Department apparatus and personnel shall be assessed pursuant to the schedule published by the Macomb County Fire Chiefs Association.
  
  - (c.) "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976, as amended, being § 125.1102 of the Michigan Compiled Laws, including but not limited to any snowmobile, off road vehicle, or vessel.
  
  - (d.) "Township" shall mean the Township of Ray, Macomb County, Michigan.
  
  - (e.) "Township Board" shall mean the governing body of the Township.

**ARTICLE VI.      Liability For Costs Of An Emergency Response.**

- (a.) Liability. Any person is liable for the costs of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a

combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

(b.) Presumptions. For the purpose of this Ordinance, a person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are so weakened by the consumption of alcohol that he or she drove with less ability than would an ordinary, careful, and prudent driver of 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 .07%.

(c.) Civil Liability. The liability for reimbursable expenses described in this Ordinance, shall be of a civil nature and shall not be construed to conflict, contravene, enlarge, or reduce any criminal liability or responsibility including fines and/or costs imposed by a judge or magistrate on a driver for operating a motor vehicle while under the influence of an alcoholic beverage and/or controlled substance or the combined influence of an alcoholic beverage and controlled substance.

(d.) Charges Against A Person. The costs of an emergency response shall be a charge against the person liable for the costs of an emergency response. The charge constitutes a debt of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(e.) Certification of Expenses. Township personnel and departments involved in an emergency response shall keep an itemized record of recoverable expenses resulting from an emergency response. Promptly after completion of an emergency response, the Township departments shall certify those expenses to the Fire Chief, or the Chief's agent.

(f.) Billing. The Fire Chief or the Chief's agent may, within 30 days of receiving a complete list of itemized costs of an emergency response, submit a bill for these costs by first class mail, certified mail or personal service to the person liable for the costs. This bill shall require full payment in 30 days from the date of service.

(g.) Failure To Pay; Procedure To Recover Costs. Any failure by the person described in this Ordinance as liable for the costs of an emergency response, to pay the bill within 30 days of service shall be considered in default. In case of default, the Township of Ray may commence a civil suit to recover the costs plus any additional costs or expenses allowed by law.

**ARTICLE VII. Repeal of Conflicting Provisions.**

All resolutions, ordinances or parts thereof conflicting with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**ARTICLE VIII. Severability.**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**ARTICLE IX. Publication.**

A true copy or summary of this Ordinance shall be published in the \_\_\_\_\_, a newspaper having general circulation within the Township of Ray.

**ARTICLE X.      Effective Date.**

This Ordinance shall take upon from publication of a true copy or summary thereof as heretofore provided in Article IX.

medical service by the Township, or by a private individual or corporation operating at the request or direction of the Township, in connection with any incident involving a driver of a motor vehicle operating under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance. These incidents shall include, but not be limited to, the effectuation of a traffic stop or an arrest by a Macomb County Sheriff Deputy of a person for a violation of Ray Township Ordinances or state law or any accident involving a motor vehicle where one or more of the drivers were operating a motor vehicle while under the influence of intoxicating liquor or controlled substance, or combination of intoxicant liquor and controlled substance.

Subsection 1.4 Article V (Definitions) (b) shall be repealed and the following substituted therefor:

- (b) "Cost of Emergency Response" shall mean all direct and reasonable costs related to an emergency response incurred by the Township or by private individuals or corporation operating under the direction of the Township. These costs shall include, but are not limited to, the costs of the police (Macomb County Sheriff Department), fire fighting, emergency medical and rescue services; the salaries, wages, fringe benefits of any personnel responding to the incident; the salaries, wages and fringe benefits of any personnel engaged in investigating the incident and all costs of any related reports; all costs connected with the supervision of personnel responding to, or investigating any incident; all costs linked with the administration of processing the chemical tests of blood, breath or urine of the driver. Costs for Fire Department apparatus and personnel shall be assessed pursuant to the schedule published by the Macomb County Fire Chiefs Association.

**Section 2. Repeal of Conflicting Provisions.**

All Ordinances or parts of Ordinances in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3. Severability.**

\_\_\_\_\_ If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the validity or unconstitutionality of such section, paragraph, clause or provision shall not ~~effect~~ affect any of the remaining provisions of this Ordinance.

**Section 4. Publication.**

A true copy of this Ordinance or summary thereof shall be published in the Romeo Observer, a newspaper of general circulation in the Township of Ray. A complete copy of the Ordinance is available for inspection by the public at the Township Clerk's office.

**Section 5. Effective Date.**

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided in Section 4.

NOTICE OF ORDINANCE ADOPTION  
TOWNSHIP OF RAY

Notice is hereby given that at the regular meeting of the Ray Township Board of Trustees, the Board adopted an Ordinance amending the Ray Township Fire Department OUIL Cost Recovery Ordinance, being Ordinance #62, to include the recovery of costs and damages incurred by Ray Township as a result of Macomb County Sheriff Department personnel assigned to the Township of Ray making emergency responses to motor vehicle accidents and/ or incidents involving individuals who are operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substance and repealing any and all Ordinances and/or Resolutions in conflict therewith. The Ordinance shall be effective 30 days after the publication of this notice.

Copies of the entire text of the Ray Township OUIL Cost Recovery Ordinance are available for inspection or purchase at the Township Offices, located at 64255 Wolcott, Ray, MI during regular business hours.

Kathleen Bolton  
Deputy Clerk  
Ray Township

Publish: March 24, 2004



CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Ray Township, Macomb County, Michigan at a meeting held on the 16 day of March, 2004.

I hereby further certify that the following Township Board Members were present at the meeting:  
Bohm, Harman, and Engel

and the following Township Board Members were absent:  
Hill and Zoccola

I further certify that Member Engel moved for the adoption of the Ordinance, and that Motion was supported by Member Harman.

I further certify that the following Ray Township Board Members voted for the adoption of the Ordinance.  
Bohm, Harman and Engel

and that the following Ray Township Board Members voted against adoption of the Ordinance:  
NONE




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Daniel Hill, Clerk  
Township of Ray

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Ray, do hereby certify that on March 24, 2004, the foregoing Ordinance, or Summary thereof, was duly published in the Romeo Observer, a newspaper having general circulation within the Township of Ray.

  
\_\_\_\_\_  
Daniel Hill, Clerk  
Township of Ray