

HUDSON TOWNSHIP COST RECOVERY ORDINANCE

THIS ORDINANCE PROVIDES PROCEDURES FOR RECOVERING COSTS INCURRED BY THE TOWNSHIP FOR ASSISTANCE IN DELIBERATELY CAUSED FIRES, NEGLIGENTLY CAUSED FIRES, HAZARDOUS/TOXIC MATERIALS EMERGENCIES, FALSE ALARMS, AND RESPONSE TO VEHICLE ACCIDENTS.

Section 1: Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Deliberately Caused Fire: means a fire purposely caused by a person or persons which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat.

Expenses: means actual cost to the Township of Hudson for personnel including workers' compensation benefits, fringe benefits, administrative overhead, cost of equipment, cost of equipment operations, cost of materials, cost of disposal, cost of any contract labor and materials, and those costs associated with incidents abatement, mitigation and clean-up in order to insure the safety of the Township and its populace.

False Alarms: means intentional fraudulent calls for response of fire department personnel or equipment, alarms caused by malfunctioning equipment or operator error.

Hazardous/Toxic Materials Emergencies: means a sudden and unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to the public health, safety, or the environment, and requires immediate action to mitigate the threat.

Negligently Caused Fire: means a fire, proximately caused by the negligence of an owner or occupier of property and/or structures, or any other person, which represents a direct and immediate threat to the public safety and requires immediate action to mitigate the threat.

Vehicle Accidents: any accident where equipment and tools for the extraction of a person or persons, or forced entry to a vehicle, are required.

Section 2: Cost Recovery.

a. The Township is hereby empowered to recover all expenses from any person, corporation, partnership, or other individual or entity whose actions result in a deliberately caused fire, a negligently caused fire, hazardous/toxic materials emergency or false alarms.

The Township of Hudson is empowered to bill a vehicle owner or appropriate insurance company, for the use of equipment and tools used for the extraction of a person or persons involved in an accident or for forced entry to a vehicle. Costs shall be assessed against the person or persons involved in an accident or for forced entry to a vehicle. Costs shall be assessed against the person, corporation, partnership or other individual or entity whose actions resulted in a deliberately caused fire, a negligently caused fire, a hazardous/toxic materials emergency, or the vehicle owner or insurance company of an auto involved with a traffic accident, and shall be paid within sixty (60) days of receiving the invoice. In the event said owner or person fails to pay said expenses within sixty (60) days after the Township of Hudson mails its invoice of expenses to said owner or person, the Township may take such collection efforts to recover said expenses that it deems appropriate, including but not limited to adding the unpaid expenses to the real property tax bill of the owner of the real property where the hazardous materials emergency occurred, and collecting the same in the manner that ad valorem property taxes are collected; provided, however, such unpaid expenses may not be added to the tax bill of any real property unless the owner or person in charge of or responsible for said real property has a connection or involvement with the hazardous material or transportation of the hazardous material that resulted in an emergency hazardous material incident.

b. No resident of the Township of Hudson at the time of a response as described in Section 2.a shall be responsible/liable for the expense of the emergency response over and above the amount of any insurance available to said resident to pay for the emergency response except for deliberately or negligently caused fire. A resident of the Township of Hudson who has such insurance shall either process a claim and assign benefits to the Township of Hudson or shall provide to the Township of Hudson such information as may be necessary to permit the Township of Hudson to file a claim.

Section 3: Review by Hudson Township Board.

The Hudson Township Board may, in its discretion, waive fees it determines to be nominal or inappropriate.

Section 4: Repeal of Conflicting Ordinances.

All ordinances, or parts of ordinances, conflicting with the provisions of this ordinance are hereby repealed only to the extent necessary to give this ordinance full effect.

Section 5: Invalidity Provisions.

Should the courts declare any provision or section of this ordinance unconstitutional or invalid, then such decision shall affect only the section or provision passed upon and shall not affect any other section or part of this ordinance.

Section 6: Effective Date.

This ordinance shall take effect and be enforced from any date after the earliest date allowed by law. This ordinance shall be published in the manner provided by law.

MEMBERS PRESENT: F Arthur Capper, Vivian Brighton,
Jim Bills, Kenneth Moore, Richard McNeil

MEMBERS ABSENT: None

ROLL CALL VOTE: Yes 5 No 0.

This Ordinance was duly adopted on February 13, 2006, at a regular meeting of the Hudson Township Board.

Jim Bills
Jim Bills, Clerk

Dated: February 13, 2006

ATTEST:

F. Arthur Capper
F. Arthur Capper, Supervisor