



Ordinance 2026-04

Fire Department, Fire Prevention, and Cost Recovery Updates

First Reading: 8/3/2026 | **Adopted:** 8/17/2026 | **Published:** 8/27/2026 | **Effective:** 9/27/2026

Section 1 – Fire Department

The Fire Department chapter of the Code of Ordinances of the City of Harrison, Sections 12.070 through 12.088, is repealed and replaced in its entirety as follows:

12.070 – Fire Department

12.071 - Department established.

The City of Harrison Fire Department is hereby established as a department of the City for the purpose of providing fire protection, emergency response, rescue, public safety support, fire prevention support, and related services within the City and within such other areas as may be authorized by contract, mutual aid agreement, automatic aid agreement, interlocal agreement, or other lawful authority.

The Fire Department shall consist of a Fire Chief and authorized Fire Department personnel as provided by this chapter and as approved by the City Council through the annual budget, wage schedule, stipend schedule, approved roster, employment action, contract, policy, or other official Council action.

12.072 - Fire Chief; appointment; supervision; removal.

The Fire Chief shall be the department head of the Fire Department and shall be appointed by the City Council in accordance with the City Charter.

The Fire Chief shall report to and be subject to the administrative direction of the City Manager as provided by the City Charter, City ordinances, City policies, and applicable law.

Removal of the Fire Chief shall be governed by the City Charter, applicable law, and action by the City Council.

12.073 - Authority and responsibility of the Fire Chief.

The Fire Chief shall be responsible for the administration, readiness, supervision, and day-to-day operations of the Fire Department, subject to the City Charter, City policies, approved budget authority, and the administrative direction of the City Manager.

The Fire Chief may carry out daily operational responsibilities directly or may delegate operational, administrative, maintenance, reporting, scheduling, training, station-related, equipment-related, or other duties to Fire Department personnel.

Delegation of duties shall not relieve the Fire Chief of responsibility for the proper administration, readiness, supervision, and operation of the Fire Department.

The Fire Chief shall be responsible for ensuring that Fire Department personnel, equipment, vehicles, apparatus, records, facilities, and operations are maintained in a manner consistent with applicable law, City policy, Fire Department policies, approved budget authority, and accepted fire service practices.

12.074 - Fire Department personnel.

The Fire Chief may recruit, appoint, assign, supervise, discipline, suspend, and remove on-call firefighters, probationary on-call firefighters, cadets, volunteers, and other non-department-head Fire Department personnel, subject to applicable law, City policies, minimum qualifications, and approved budget authority.

The Fire Chief may immediately suspend, remove from duty, or restrict the duties of any Fire Department personnel when the Fire Chief determines that such action is necessary due to safety concerns, misconduct, failure to follow lawful orders, failure to meet qualifications, failure to comply with City or Fire Department policy, fitness-for-duty concerns, insubordination, operational risk, or other circumstances affecting the proper operation of the Fire Department.

A person suspended, removed, or otherwise disciplined under this section may submit a written appeal to the City Manager or the City Manager's designee within ten (10) calendar days after written notice of the action. The City Manager or designee may review the matter and issue such administrative decision as the City Manager or designee determines appropriate. This appeal process shall not apply to the Fire Chief, whose appointment and removal are governed by the City Charter and City Council action.

Nothing in this section shall limit the authority of the City Manager or City Council under the City Charter, City ordinances, City personnel policies, or applicable law.

12.075 - Probationary on-call firefighters.

Newly appointed on-call firefighters may be classified as probationary on-call firefighters until they complete the training, certification, performance, attendance, and qualification requirements established by City policy, Fire Department policy, the Fire Chief, or applicable law.

Probationary status, training requirements, attendance expectations, and advancement to regular on-call firefighter status shall be governed by City policy, Fire Department policy, and the administrative direction of the Fire Chief.

A probationary on-call firefighter shall not be assigned duties for which the person is not qualified, trained, certified, or authorized.

12.076 - Department officers.

The Fire Chief may assign qualified Fire Department personnel to officer positions necessary for the efficient operation of the Fire Department. Officer positions may include Assistant Chiefs, Captains, Lieutenants, or other officer classifications authorized by the City Council.

The number, classification, title, and compensation of officer positions shall be limited to those authorized by the City Council through the annual budget, wage schedule, stipend schedule, motion, or other official Council action.

The Fire Chief may fill a vacancy in an existing authorized officer position with a qualified person without additional Council approval, provided the position, classification, title, compensation, stipend, and budget authorization are not changed.

City Council approval shall be required before any officer position is created, eliminated, reclassified, renamed, or assigned compensation or stipend different from the amount previously authorized by Council.

Officer assignments shall be made by the Fire Chief based on qualifications, operational needs, and the best interests of the Fire Department. All officer assignments remain subject to City policies, approved compensation, and the Council-authorized officer structure.

The officer positions and officer assignments existing on the effective date of this section shall remain in effect unless changed in accordance with this section. The total number and classification of officer positions existing on the effective date of this section shall not be changed except by City Council action.

12.077 - Cadet, junior firefighter, or similar training program.

The City may maintain a cadet firefighter, junior firefighter, explorer, or similar training and observation program for individuals who do not yet meet the qualifications to serve as on-call firefighters, if such program is approved and administered under City policy and Fire Department policy.

Participants in a cadet, junior firefighter, explorer, or similar program are not emergency responders and shall not independently respond to emergency incidents, perform fire suppression, perform rescue operations, perform emergency medical treatment, operate

emergency vehicles, or perform hazardous duties unless expressly authorized by applicable law and City policy.

Participation in such program shall be subject to applicable federal and state youth employment laws, parental or guardian consent when required, work permit requirements when applicable, school attendance or academic requirements established by policy, supervision requirements, training limitations, safety restrictions, and all other requirements established by City policy or Fire Department policy.

The Fire Chief or designee may suspend or remove a participant from such program in accordance with City policy, Fire Department policy, safety requirements, or operational needs.

12.078 - Minimum qualifications; fitness for duty.

Fire Department personnel shall satisfy all minimum qualifications established by applicable law, City policy, Fire Department policy, and the Fire Chief.

The City may require training, certifications, background review, driving record review, drug testing, physical ability standards, medical clearance, fitness-for-duty review, ability-to-perform review, or other qualification standards as permitted by law and City policy.

No person shall be assigned duties for which the person is not qualified, trained, certified, medically capable, or otherwise authorized.

The City may restrict, suspend, or remove a person from duty when necessary to protect the safety of the person, Fire Department personnel, the public, property, or the effective operation of the Fire Department.

12.079 - Emergency response and command authority.

During any fire, emergency, rescue, incident, training event, or other Fire Department operation, the Fire Chief, or in the Fire Chief's absence the ranking qualified officer or incident commander operating under Fire Department policy, shall have authority to direct Fire Department personnel, equipment, apparatus, and operations.

The Fire Chief may assign or delegate incident command to a qualified officer or other qualified incident commander in accordance with Fire Department policy.

All Fire Department personnel shall obey lawful orders issued by the Fire Chief, ranking officer, incident commander, or other person exercising lawful command authority during any response, training, or Fire Department operation.

Failure to follow lawful orders, safety procedures, City policy, Fire Department policy, or accepted incident command procedures may result in discipline, suspension, removal from duty, removal from an officer assignment, or removal from the Fire Department, subject to applicable City policy and law.

12.080 - Meetings, training, drills, and attendance.

The Fire Department shall conduct meetings, trainings, drills, equipment checks, station duties, and other department activities as determined by the Fire Chief, subject to City policy, Fire Department policy, applicable law, and operational needs.

The Fire Chief may establish attendance expectations for emergency responses, meetings, trainings, drills, inspections, station duties, and department activities. Attendance standards shall be administered in accordance with City policy and Fire Department policy.

Failure to satisfy attendance, training, response, certification, or participation requirements may result in discipline, suspension, removal from duty, removal from officer assignment, or removal from the Fire Department.

12.081 - Records and reports.

The Fire Chief shall be responsible for ensuring that accurate records are maintained for Fire Department personnel, training, certifications, incidents, emergency responses, equipment, maintenance, inspections, attendance, compensation, stipends, and other department operations.

The Fire Chief may delegate recordkeeping, reporting, scheduling, maintenance tracking, incident reporting, training documentation, or related administrative duties to subordinate officers, employees, on-call firefighters, volunteers, or other assigned personnel.

The Fire Chief shall ensure that required reports are completed and submitted in accordance with applicable law, City policy, Fire Department policy, and operational requirements.

The Fire Chief shall provide reports to the City Manager and City Council as requested.

12.082 - Rules, policies, standard operating procedures, and standard operating guidelines.

The Fire Chief may prepare, recommend, and administer administrative policies, operational policies, standard operating procedures, standard operating guidelines, internal directives, training procedures, and similar documents for the safe and efficient operation of the Fire Department.

Administrative and operational policies, procedures, and guidelines may be approved by the Fire Chief and City Manager when they involve internal operations, training, scheduling, equipment use, station procedures, reporting, administrative matters, response procedures, or other department operations.

Policies, procedures, or guidelines that create financial obligations, establish or change compensation, authorize fees or cost recovery, require Council action, materially affect employment status, create City-wide policy, or create substantial legal, financial, or operational obligations for the City shall require approval by the City Council.

All Fire Department policies, procedures, and guidelines shall be consistent with City ordinances, City policies, applicable law, approved budget authority, and the authority of the City Manager and City Council.

12.083 - Compensation.

Compensation, stipends, pay rates, allowances, and benefits for Fire Department personnel shall be established by the City Council through the annual budget, wage schedule, stipend schedule, resolution, motion, personnel policy, employment action, contract, or other official Council action.

No person shall be entitled to compensation, stipend, allowance, or benefit unless authorized by the City Council and administered in accordance with City policy.

No officer assignment, promotion, appointment, or personnel action shall create or increase compensation, stipend, allowance, benefit, or budget obligation unless such compensation, stipend, allowance, benefit, or budget obligation has been authorized by the City Council.

12.084 - Equipment, property, apparatus, and facilities.

The Fire Chief shall be responsible for ensuring the proper care, maintenance, readiness, use, inventory, and security of Fire Department equipment, vehicles, apparatus, tools, records, uniforms, protective gear, supplies, and facilities.

The Fire Chief may delegate equipment, maintenance, inventory, reporting, inspection, and station responsibilities to subordinate officers, employees, on-call firefighters, volunteers, or other assigned personnel.

All Fire Department personnel shall properly use, maintain, and return City property, equipment, uniforms, protective gear, records, keys, access devices, and other assigned property as required by City policy or Fire Department policy.

Upon resignation, suspension, removal, separation, reassignment, or request by the Fire Chief or City Manager, all City property shall be returned immediately unless otherwise authorized by the City.

12.085 - Service area; mutual aid; contracts.

The Fire Department may provide fire protection, emergency response, rescue, public safety support, fire prevention support, and related services within the City and within such other jurisdictions or areas as may be authorized by contract, mutual aid agreement, automatic aid agreement, interlocal agreement, emergency request, or other lawful authority.

The City Council may approve contracts, agreements, or arrangements for the provision of Fire Department services outside City limits when permitted by law and determined to be in the best interests of the City.

Nothing in this section shall limit the Fire Department's ability to respond under mutual aid, automatic aid, emergency management, or other lawful emergency response authority.

12.086 - Budget and funds.

Fire Department funds shall be budgeted, appropriated, received, expended, and accounted for in accordance with City budget procedures, City financial policies, applicable law, and Council authorization.

The Fire Chief shall assist the City Manager in preparing, reviewing, and administering the Fire Department budget.

The Fire Chief shall not authorize expenditures, obligations, compensation, stipends, purchases, contracts, repairs, or other financial commitments except as authorized by the approved budget, City purchasing policies, City financial policies, and applicable law.

12.087 - Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

12.088 - Repealer.

All ordinances or parts of ordinances in conflict with this chapter are repealed only to the extent necessary to give this chapter full force and effect.

Section 2. Fire Prevention Code.

The Fire Prevention Code chapter of the Code of Ordinances of the City of Harrison, Sections 22.150 through 22.162, is repealed and replaced in its entirety as follows:

22.150 – Fire Prevention Code

22.151 - Purpose.

The purpose of this chapter is to protect life, property, public safety, and emergency response operations by establishing local fire prevention regulations, preserving access to fire protection equipment and exits, regulating open burning, recognizing applicable state and county authority, and providing authority for local enforcement and cost recovery.

22.152 - False alarms.

No person shall knowingly or intentionally make, transmit, sound, activate, or cause to be communicated a false alarm of fire or other emergency to the Fire Department, Clare County Central Dispatch, or any emergency response agency.

The City may recover costs, fees, or charges for false alarms, repeated false alarms, or emergency responses as authorized by City ordinance, City policy, the Council-adopted fee schedule, contract, or applicable law.

22.153 - Interference with Fire Department equipment or operations.

No person shall willfully damage, tamper with, remove, take for private use, obstruct, interfere with, or misuse any Fire Department equipment, apparatus, hose, hydrant, vehicle, protective equipment, tool, communication device, warning device, or other property used for fire protection, emergency response, rescue, or public safety purposes.

No person shall drive or place any vehicle upon, over, or against any fire hose, equipment, or apparatus of the Fire Department except as directed by the Fire Chief, incident commander, or other authorized emergency personnel.

No person shall interfere with, obstruct, hinder, or fail to comply with lawful directions issued by the Fire Chief, incident commander, firefighter, law enforcement officer, or other authorized emergency personnel during a fire, emergency, training event, public safety operation, or Fire Department response.

22.154 - Fire hydrants and fire protection access.

No person shall place, construct, park, store, maintain, or permit any obstruction within fifteen (15) feet of any fire hydrant.

No person shall obstruct, block, damage, tamper with, or interfere with access to any fire hydrant, fire lane, fire department connection, standpipe, sprinkler connection, emergency access route, or other fire protection equipment or access point.

No person shall use, open, operate, or take water from any fire hydrant except the Fire Department, City Department of Public Works, other authorized City personnel, or a person who has received prior authorization from the City. The City may require payment for water used, equipment used, staff time, or damage caused by unauthorized or authorized hydrant use.

Only hydrant wrenches or tools approved by the City may be used on City fire hydrants.

22.155 - Fire hazards; correction and referral.

The Fire Chief, acting as Fire Code Official, the incident commander, or another authorized City official may identify, document, and require correction of conditions regulated by this chapter within the lawful authority of the City, including obstructed fire hydrants, obstructed emergency access, blocked fire lanes, unsafe open burning, interference with Fire Department operations, blocked or obstructed means of egress, obstructed fire protection equipment, or other conditions affecting emergency response or public safety.

A review, observation, notice, or order issued under this chapter is not a building code inspection, fire code certification, certificate of occupancy inspection, approval of any building, structure, occupancy, use, business, system, or premises, or determination that any condition is safe or compliant with applicable law.

Nothing in this chapter shall relieve any owner, occupant, contractor, business, licensee, or other responsible person from complying with applicable federal law, state law, building codes, fire codes, zoning requirements, permits, licenses, or orders issued by any agency or official having jurisdiction.

If a condition regulated by this chapter creates or may create a fire hazard, life safety concern, blocked exit, obstructed emergency access, obstructed fire protection equipment, unsafe condition, or violation of this chapter, the Fire Chief, incident commander, or authorized City official may issue a written notice or correction order requiring correction within a reasonable time.

When an immediate hazard exists, the Fire Chief, incident commander, or authorized emergency personnel may take reasonable emergency action necessary to protect life, property, public safety, or emergency response operations, subject to applicable law.

The City may refer any matter involving building code enforcement, fire code enforcement, fire cause determination, state-regulated facilities, hazardous materials, occupancy approval, system approval, or other regulated activity to Clare County, the State Fire Marshal, the State of Michigan, or any other agency or official having jurisdiction.

22.156 - Fire exits, access, and egress.

No person shall obstruct, block, lock, impair, damage, remove, or maintain in an unsafe condition any fire exit, exit door, stairway, hallway, aisle, passageway, fire escape,

emergency access route, or other means of egress in a manner that creates a fire hazard, life safety hazard, emergency access concern, or violation of applicable law.

No combustible material, furniture, merchandise, storage, equipment, vehicle, or other item shall be placed or maintained in a manner that obstructs or creates a hazard to exits, aisles, stairways, fire escapes, emergency access, fire protection equipment, or safe egress.

Nothing in this section shall be construed as City approval, inspection, certification, or enforcement of building code, occupancy code, or fire code requirements assigned by law to another agency or official having jurisdiction.

22.157 - Combustible waste and hazardous storage.

No owner, occupant, tenant, operator, or person responsible for any premises shall allow combustible waste, ashes, oily rags, waste rags, paper, refuse, flammable materials, or other combustible or hazardous materials to accumulate or be stored in a manner that creates a fire hazard, life safety hazard, nuisance, or unsafe condition.

Flammable liquids, explosives, hazardous chemicals, combustible materials, and similar regulated substances shall be stored, handled, used, transported, and maintained in accordance with applicable federal law, state law, City ordinances, applicable codes, permits, and lawful orders issued under this chapter or by any agency or official having jurisdiction.

22.158 - Open burning.

Open burning shall be regulated in accordance with applicable state law, Michigan Department of Natural Resources burn permit requirements and restrictions, applicable air quality regulations, and any lawful burn ban, fire restriction, red flag warning, or emergency order.

The City does not establish a separate local burn permit system under this section. Where state law or Michigan Department of Natural Resources requirements allow open burning, such burning may occur within the City provided it is conducted safely and in compliance with applicable law and restrictions.

No person shall conduct open burning when prohibited by state law, Michigan Department of Natural Resources restrictions, applicable air quality regulations, or any lawful burn ban, fire restriction, red flag warning, or emergency order.

Recreational campfires, cooking fires, and other limited open fires may be allowed when permitted by applicable law and when maintained in a safe manner that does not create a fire hazard, nuisance, smoke condition, visibility hazard, or threat to public safety.

The Fire Chief, incident commander, law enforcement officer, code enforcement officer, or other authorized City official may order any open fire extinguished when the fire creates or may create a fire hazard, nuisance, public safety concern, smoke concern, air quality concern, or violation of applicable law.

Nothing in this section shall be construed to authorize open burning prohibited by state law, Michigan Department of Natural Resources restriction, air quality regulation, emergency order, or other applicable law.

22.159 - Permits, inspections, and approvals by other agencies.

Nothing in this chapter shall be construed to require the City to issue fire prevention permits, hazardous material permits, building permits, occupancy approvals, fire code approvals, or other permits regulated by the State of Michigan, Clare County, the State Fire Marshal, or another agency or official having jurisdiction.

Where a permit, license, inspection, approval, or authorization is required by state law, county regulation, applicable code, or another agency having jurisdiction, the responsible person shall obtain such permit, license, inspection, approval, or authorization from the proper agency.

The City may require proof of required state, county, or other agency approval when necessary for City operations, use of City property, public safety, event approval, emergency response planning, or enforcement of this chapter.

The City's acceptance of proof of another agency's permit, license, inspection, approval, or authorization shall not constitute City approval, certification, or determination that any building, structure, occupancy, use, system, operation, or condition is safe or compliant with applicable law.

22.160 - International Fire Code adopted; Fire Code Official; limited administration.

The International Fire Code, 2024 Edition, as published by the International Code Council, excluding all appendices unless separately adopted by the City Council by ordinance, is hereby adopted by reference as the fire prevention code of the City of Harrison, subject to the limitations, modifications, and provisions of this chapter.

The administrative provisions of Chapter 1 of the International Fire Code relating to permits, construction document review, plan review, inspections, approvals, certificates, fees, appeals, stop-work orders, unsafe buildings or structures, and similar regulatory functions are not adopted to the extent that those functions are not expressly authorized by this chapter or are assigned by law to another agency or official having jurisdiction.

The purpose of adopting the International Fire Code is to provide fire prevention, emergency access, operational safety, and fire hazard standards for use within the lawful authority of the City and the Fire Department.

The Fire Chief is designated as the Fire Code Official for the City. The Fire Chief may designate qualified Fire Department personnel to assist with the administration of this chapter.

The authority of the Fire Code Official under this chapter is limited to fire prevention matters within the lawful authority of the City and Fire Department, including emergency access, access to fire hydrants and fire protection equipment, fire lanes, blocked exits or means of egress, open burning, false alarms, interference with emergency operations, conditions affecting emergency response, and fire hazards observed during an emergency response, complaint investigation, or other lawful Fire Department activity.

Adoption of the International Fire Code does not establish a City building inspection, plan review, construction inspection, occupancy inspection, fire protection system approval, permitting, certification, or certificate-of-occupancy program. The Fire Chief and Fire Department shall not be required to approve or certify the construction, alteration, occupancy, use, operation, or code compliance of any building, structure, premises, system, or equipment unless expressly authorized by applicable law and City Council action.

Matters requiring a building inspection, construction code inspection, plan review, occupancy approval, system certification, technical approval, licensed inspection, or other action outside the lawful authority or qualifications of the City Fire Department shall be referred to Clare County, the State Fire Marshal, the City Building Official or building code enforcement agency, or another agency or official having jurisdiction.

If a provision of the International Fire Code conflicts with applicable federal law, Michigan law, a state construction code, a rule or order of the State Fire Marshal, another provision of this Code, or a lawful requirement imposed by an agency or official having jurisdiction, the applicable federal law, Michigan law, state code, rule, order, City Code provision, or lawful agency requirement shall control.

At least one copy of the adopted International Fire Code shall be maintained in the office of the City Clerk and made available for public inspection as required by law.

22.161 - Enforcement; violations; cost recovery.

A violation of an express provision of this chapter, or a provision of the International Fire Code that is within the limited administration and enforcement authority of the City under Section 22.160, is a municipal civil infraction unless a different penalty or enforcement remedy is provided by this Code, City ordinance, applicable law, or court order.

The City may pursue any remedy available by law, including municipal civil infraction enforcement, civil action, injunctive relief, abatement, emergency action, cost recovery, referral to another agency having jurisdiction, or any other lawful remedy.

The City may recover costs, fees, charges, or expenses incurred for emergency response, repeated false alarms, abatement, fire suppression, hazardous material response, equipment use, personnel time, damage repair, follow-up review, or other services as authorized by ordinance, resolution, fee schedule, contract, court order, or applicable law.

22.162 - Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Section 3. Emergency response cost recovery.

The Charges for City Emergency Service Responses chapter of the Code of Ordinances of the City of Harrison, Sections 12.100 through 12.109, and the Hazardous Material Spill Cost Ordinance, Sections 12.160 through 12.167, are repealed and replaced in their entirety by Sections 12.100 through 12.111 as follows. Sections 12.160 through 12.167 are reserved.

12.100 - Emergency response cost recovery.

12.101 - Purpose and authority.

The purpose of this chapter is to authorize the City to recover the actual and reasonable costs of providing fire protection, rescue, emergency response, hazardous materials response, public safety support, and related services from persons or entities properly chargeable for those services. This chapter is adopted pursuant to Act 33 of 1951, MCL 41.806a, as amended, the City's authority under applicable law, and all other authority available to the City.

Charges imposed under this chapter are intended to reimburse the City for services provided and costs incurred. They shall not be imposed for the primary purpose of raising general revenue and shall be administered in accordance with this chapter, the Council-adopted fee schedule, applicable City policies, contracts, agreements, and law.

12.102 - Definitions.

"Assessable costs" means the actual and reasonable costs incurred by or charged to the City for an emergency response, including personnel, fringe benefits, apparatus, vehicles, equipment, operations, standby, monitoring, traffic control, materials, supplies, disposable items, outside contractors, assisting agencies, specialized services, administration, billing, payment processing, collection, and other costs authorized by this chapter, the Council-adopted fee schedule, contract, agreement, or applicable law.

"Emergency response" means a response, service, action, or use of resources by the Fire Department, another City department, an assisting agency, a mutual aid provider, a contractor, or another responder acting at the request of or under authority of the City to protect life, property, public safety, infrastructure, natural resources, or the environment.

"Hazardous materials incident" means an actual or threatened spill, release, discharge, escape, abandonment, improper storage, or improper handling of a hazardous substance, hazardous material, hazardous waste, petroleum or petroleum product, chemical, biological agent, radioactive material, flammable material, corrosive material, explosive, or other substance that poses or may pose a threat to life, property, public safety, natural resources, or the environment under applicable law or based on the reasonable determination of the incident commander. The term includes substances regulated under

applicable federal law and Parts 111, 201, and 213 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

“Responsible party” means a person or entity that receives or benefits from an emergency response, is legally responsible for an incident or condition requiring an emergency response, or owns, operates, possesses, controls, or is responsible for property, a vehicle, equipment, infrastructure, materials, conduct, or an activity involved in or contributing to the incident, to the extent permitted by applicable law.

“Third-party billing agent” means a person or entity authorized by the City to provide insurance identification, billing, claim submission, invoice preparation, payment processing, collection assistance, reporting, or related administrative services on behalf of the City.

12.103 - Recoverable emergency response services.

The City may recover assessable costs for an emergency response when authorized by this chapter, the Council-adopted fee schedule, City policy, contract, agreement, court order, or applicable law. Recoverable responses may include, but are not limited to, the following:

- A. Fire suppression, structure fires, vehicle fires, illegal fires, explosions, bomb threats, false alarms, repeated alarms, rescue, extrication, and accident-related response or cleanup.
- B. Motor vehicle, commercial vehicle, railroad, aircraft, equipment, construction, contractor, and commercial carrier incidents.
- C. Downed or damaged power lines, electric service lines, gas mains, gas service lines, communication lines, utility poles, transformers, water mains, sanitary or storm sewer infrastructure, traffic control devices, and other public or private utility incidents.
- D. Hazardous materials incidents, spills, releases, containment, stabilization, monitoring, traffic control, standby, cleanup, removal, disposal, specialized response, and use of a hazardous materials response unit or outside contractor.
- E. Emergency scene security, monitoring, traffic control, standby, public safety support, protection of property or infrastructure, and responses requiring unusual or extended use of personnel, apparatus, equipment, materials, or services.
- F. Any other emergency response or service for which recovery is authorized by the Council-adopted fee schedule, City policy, contract, agreement, court order, or applicable law.

Mutual aid and responses outside the City’s coverage area shall be billed only when authorized by the applicable mutual aid agreement, intergovernmental agreement, service contract, Council action, or applicable law.

12.104 - Responsible parties and liability.

A responsible party may be assessed for emergency response costs to the extent authorized by this chapter and applicable law. Responsible parties may include property owners, occupants, tenants, operators, vehicle owners or operators, utilities, railroads, contractors, commercial carriers, businesses, governmental entities, and other persons or entities legally responsible for, involved in, or benefited by the emergency response.

When more than one responsible party is legally responsible for an incident, the City may allocate costs among them or pursue joint and several recovery to the extent permitted by applicable law. A passenger shall not be assessed solely because the passenger occupied a vehicle unless another independent legal basis for recovery exists.

The existence or absence of insurance does not create or eliminate legal responsibility for assessable costs. Whether the City pursues insurance-only billing, direct billing, an unpaid balance, or another remedy shall be governed by this chapter, Council-adopted policy, contract, agreement, and applicable law.

12.105 - Hazardous materials incidents.

Any person or entity that causes, contributes to, is legally responsible for, or is otherwise liable under applicable law for an actual or threatened hazardous materials incident shall be responsible, to the fullest extent permitted by law, for the containment, stabilization, control, monitoring, removal, cleanup, disposal, restoration, and remediation of the incident and for all resulting assessable costs.

When reasonably necessary to protect life, property, public safety, natural resources, or the environment, the City and its authorized personnel, assisting agencies, hazardous materials response units, and contractors may take lawful emergency action to contain, stabilize, control, monitor, secure, remove, clean up, or arrange for disposal of hazardous materials and to restore immediate emergency access and safety. To the extent authorized by applicable law, such action may include entering or obtaining access to affected property, establishing a safety perimeter, restricting access, using City personnel or equipment, engaging assisting agencies or contractors, and taking other action reasonably necessary to address the immediate incident.

The City may recover all actual and reasonable costs incurred in responding to a hazardous materials incident, including personnel, fringe benefits, overhead, apparatus, vehicles, equipment, operations, supplies, disposable materials, meals and necessary support for response personnel, monitoring, traffic control, standby, assisting agencies, hazardous materials response units, specialists, experts, contractors, testing, removal, transportation, storage, disposal, medical evaluation or treatment resulting from response-related exposure or injury, administration, billing, payment processing, collection, legal expenses, and other costs recoverable under applicable law.

The City's emergency response, temporary stabilization, cleanup activity, or use of contractors does not transfer to the City the responsible party's continuing legal obligation to complete any required long-term cleanup, restoration, environmental investigation, corrective action, or remediation.

Liability and recovery arising from an actual or threatened release shall be determined and pursued to the fullest extent authorized by applicable federal and state law, including Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20101 et seq. Nothing in this chapter creates liability beyond applicable law or eliminates any liability, defense, exemption, limitation, duty, or remedy established by applicable law.

12.106 - Charges and fee schedule.

Charges imposed under this chapter shall be established by City Council resolution from time to time and shall be based upon the actual and reasonable costs of providing the applicable service or response. The fee schedule may establish base charges, personnel rates, apparatus and equipment rates, material and supply costs, administrative charges, billing and collection costs, actual-cost items, and other charges authorized by this chapter.

The City Council may adopt rates contained in or associated with an authorized service agreement and may authorize annual adjustments based upon a specified consumer price index or other objective formula stated in the resolution. If the agreement authorizing an automatic contractual adjustment expires or terminates, that automatic adjustment shall cease. The rates most recently adopted or adjusted under the resolution shall remain in effect until changed by the City Council.

If a service or cost is not specifically listed in the fee schedule, the City may recover the documented actual and reasonable cost when recovery is otherwise authorized by this chapter, Council action, contract, agreement, or applicable law.

12.107 - Administration and third-party billing.

The Fire Chief or authorized designee shall determine which incidents are submitted for billing, subject to oversight by the City Manager and any applicable Council-adopted policy. The Fire Operations Coordinator or another authorized designee may prepare billing packets, gather incident documentation, coordinate with the third-party billing agent, and maintain billing records under the oversight of the Fire Chief.

The City Manager and Fire Chief may establish forms, documentation requirements, administrative procedures, and internal controls necessary to implement this chapter and any applicable Council-adopted policy.

The City may contract with and designate a third-party billing agent to identify available insurance coverage, prepare and submit authorized claims and invoices, communicate with insurers and responsible parties, receive and process payments, conduct authorized

follow-up, maintain records, provide reports, deduct compensation authorized by contract, and remit the City's share of collected amounts.

A third-party billing agent may process only those incidents submitted or otherwise authorized for billing by the City. The billing agent shall have no independent authority to determine whether an incident is billable or whether a covered-area party, non-covered-area party, insurer, property owner, vehicle owner, utility, contractor, railroad, commercial carrier, or other party may be directly billed.

Unless separately authorized in writing by the City, a third-party billing agent shall not waive, reduce, compromise, settle, cancel, or withdraw a charge or claim; refer an account to a collection agency; commence litigation; record a lien; certify an amount to the tax roll; or take another action requiring City authorization.

The City retains final authority over billing determinations, direct billing, insurance-only billing, appeals, waivers, reductions, settlements, write-offs, litigation, collection activity, claim withdrawal, and all other discretionary decisions. Any third-party billing agreement shall be administered consistently with this chapter and applicable Council-adopted policy.

12.108 - Billing, payment, and collection.

The City or its authorized third-party billing agent may submit an itemized claim or invoice to an insurance carrier, responsible party, or other legally responsible person or entity as authorized by this chapter, the Council-adopted fee schedule, applicable Council-adopted policy, contract, agreement, and law.

Insurance-only billing, direct billing, collection of unpaid balances, and exceptions for covered-area and non-covered-area parties shall be administered in accordance with applicable Council-adopted policy. Nothing in this chapter authorizes personal collection against a covered-area party when such collection is prohibited by Council-adopted policy.

Unless another period is provided by policy, contract, agreement, or applicable law, payment is due within thirty (30) days after the invoice date.

When direct billing and collection are authorized, unpaid amounts may be pursued through additional invoices, authorized insurance follow-up, authorized third-party collection activity, civil action, judgment enforcement, or any other remedy available by law. Interest, late charges, collection costs, court costs, and attorney fees may be recovered only to the extent authorized by the Council-adopted fee schedule, contract, agreement, court rule, judgment, or applicable law.

When a responsible party owns real property to which the emergency response relates, the City may assert a lien, certify a charge, or place an unpaid amount on a tax roll only to the extent expressly authorized by applicable law and after providing all required notice and process.

The absence of property within the City does not limit the City's authority to pursue insurance, direct billing, civil collection, judgment enforcement, or another lawful remedy against a non-covered-area party, utility, railroad, contractor, commercial carrier, hazardous-material responsible party, or other legally responsible person or entity.

12.109 - Council policies; appeals; waivers.

The City Council may adopt and amend policies governing insurance-only billing, direct billing, covered-area and non-covered-area parties, exceptions, incident authorization, documentation, appeals, administrative review, waivers, reductions, settlements, write-offs, collections, mutual aid billing, records, and implementation of this chapter.

The City Manager and Fire Chief are authorized to administer this chapter and any Council-adopted policy. Insurance-only billing, direct billing, exceptions, appeals, waivers, reductions, settlements, write-offs, and collection decisions shall be made and documented in the manner authorized by Council-adopted policy. When a Council-adopted policy limits or directs the manner in which an otherwise authorized charge will be pursued, the policy shall control the administration of that charge.

12.110 - Other remedies; no duplicate recovery.

The City may pursue any remedy available under this chapter, another City ordinance, contract, agreement, court order, state law, federal law, or common law. Recovery under this chapter does not limit the liability of a responsible party under any other applicable law and does not prevent referral to or recovery by another agency having jurisdiction.

The City shall not recover the same personnel, apparatus, equipment, material, contractor, administrative, or other cost more than once. Amounts recovered from insurance, another responsible party, another governmental entity, or another legal remedy shall be credited against the same assessable cost.

12.111 - Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this chapter.

This Ordinance shall take effect thirty (30) days following publication as required by law.

I hereby certify that the foregoing was duly adopted by the CITY COUNCIL of the CITY OF HARRISON, Michigan, at its regular meeting on the ____ day of _____, 2026, that of _____ members of the City Council, _____ were in attendance, and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing Ordinance is recorded in the Ordinance Book for the CITY OF HARRISON.

Effective Date: _____

This Ordinance shall take effect Thirty (30) days after publication thereof.

Certified by: _____

Kathy Maharas, City Clerk