

As Adopted
May 18, 2026

**CHARTER TOWNSHIP OF JAMESTOWN
COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall on the 18th day of May, 2026, at 7:00 p.m.

PRESENT: Members: Miller, Wolfert, DeHaan, Van Haitzma, Brouwer, Windemuller, and Tacoma

ABSENT: Members: None

The following Ordinance was offered by Member Tacoma and supported by Member DeHaan.

ORDINANCE NO. 26-006

**AN ORDINANCE TO AMEND ORDINANCE NO. 127
THE JAMESTOWN COST RECOVERY ORDINANCE**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

The Jamestown Cost Recovery Ordinance is hereby adopted to read in its entirety as follows:

AN ORDINANCE TO ALLOW, PURSUANT TO MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED, PART 201 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT ("NREPA"), AND OTHER APPLICABLE PROVISIONS OF THE MICHIGAN STATUTES, JAMESTOWN CHARTER TOWNSHIP TO RECOVER COSTS INCURRED BY THE TOWNSHIP IN CONNECTION WITH THE PROVISION OF CERTAIN POLICE AND FIRE EMERGENCY SERVICES, AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE AND CERTAIN ADMINISTRATIVE PROVISIONS.

Section 1. Purpose. Jamestown Charter Township hereby finds that persons in and traveling through the Township historically have needed, caused or contributed to the need for certain public safety and fire emergency services; which needs and situations have negatively affected the health, environment, and welfare of some Township residents and real property located within the Township. In addition, the Township has found that it has incurred costs associated with the provision of these certain public safety and fire emergency services. As a result of these determinations, the Township has adopted this Ordinance to allow the Township to recover the

reasonable and actual costs incurred by the Township in connection with the provision of these certain public safety and fire emergency services.

Section 2. Definitions. For purposes of their use in this Ordinance, the following words and terms are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

(a) Township: Jamestown Charter Township, Ottawa County, Michigan.

(b) Assessable Costs: The costs incurred by the Township including, but not limited to, the actual labor and material costs to the Township (including, without limitation, employee wages; Workers' Compensation benefits; fringe benefits; administrative overhead; costs of equipment; costs of equipment operation; costs of materials; costs of transportation; costs of material disposal; costs of any contracted labor; and any and all other costs), whether or not such services are provided by the Township, by a private person, corporation, contractor, or entity acting at the request, direction, or on behalf of the Township, or by another jurisdiction providing mutual aid to the Township; service charges or interest; attorneys' fees; litigation costs; and any costs, charges, fines, or penalties to the Township imposed by any local, state, or federal governmental entities.

(c) Excessive Requests for Emergency Assistance: Any request for emergency assistance (e.g. emergency medical assistance; public safety, police or sheriff services; or fire department services) made for a particular location or commercial entity if that location or commercial entity has requested emergency assistance, of any type, more than five (5) times in the proceeding twelve (12) months. From the Effective Date of this Ordinance and through and including December 31, 2026, a Responsible Party shall be permitted not more than five such requests; each request thereafter shall be considered an Excessive Request for Emergency Assistance.

(d) False Alarm: Any device, automated or manual, that is designed to request or summon emergency assistance or emergency service personnel, including but not limited to fire, emergency medical and public safety personnel, which device is activated, intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior emergency service person who responds to a False Alarm.

(e) Hazardous Materials: Chemicals, gasses, solids, liquids, and any other materials or substances that pose a present or potential hazard to human health or safety or the environment.

(f) Motor Vehicle: Any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act No. 300 of the Public Acts of 1949, as amended, being Section 257.79 of the Michigan Compiled Laws, which is required to be registered for use upon the public streets and highways of this State under Act No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 to 257.923 of the Michigan Compiled Laws. For the purposes of this

Ordinance, Motor Vehicles includes those vehicles owned by the Government of the United States and any and all trailers or appurtenances to any Motor Vehicle.

(g) Motor Vehicle Accident: Any collision or contact involving one or more Motor Vehicles within the public right-of-way or on private property which results in any damage to the Motor Vehicle(s) involved or other real property.

(h) Motor Vehicle Fire: Any instance in which a Motor Vehicle is destroyed by or suffers any damage as a result of a fire.

(i) Release: 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, ground water and surface water.

(j) Responsible Party:

(1) In connection with a Release of Hazardous Materials, Responsible Party means: Any individual firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible, in whole or in part, for a Release of Hazardous Materials, either actual or threatened, or any owner, tenant, occupant, or party in control of property, real or personal, onto which or from which Hazardous Materials Release and the heirs, estates, or successors thereto.

(2) In connection with a failure of a Utility Line, Responsible Party means: Any individual firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible, in whole or in part, for the maintenance or failure of the Utility Line and the heirs, estates, or successors thereto.

(3) In connection with a Motor Vehicle Accident or Motor Vehicle Fire, Responsible Party means: The registered owner, the operator of the Motor Vehicle at the time of the Motor Vehicle Accident or Motor Vehicle Fire if different from the registered owner of the Motor Vehicle, and any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible, in whole or in part, for the Motor Vehicle Accident or Motor Vehicle Fire and the heirs, estates, or successors thereto.

(4) In connection with a fire, Responsible Party means: Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible, in whole or in part, for the fire, the real property on which the fire occurred, or the object which was damaged or destroyed by the fire, and the heirs, estates, or successors thereto.

(5) In connection with Excessive Requests for Emergency Assistance, Responsible Party means: The individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the Excessive Requests

for Emergency Assistance, including without limitation any owner, tenant, occupant or party in control of all or a portion of the real property or Structure to which emergency service personnel are summoned pursuant to the Excessive Requests for Emergency Assistance and the heirs, estates, or successors thereto.

(6) In connection with a False Alarm, Responsible Party means: The individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the False Alarm or for the real property, location, or commercial entity to which emergency service personnel are summoned pursuant to the False Alarm and the heirs, estates, or successors thereto.

(7) In connection with a Water Rescue Attempt, Responsible Party means: The individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the situation which necessitated the water rescue attempt, and the heirs, estates, or successors thereto.

(k) Structure: Anything constructed or erected which has a permanent location on the ground or is attached to something having such location.

(l) Utility Lines: Any transmission or service line, cable, conduit, pipeline, wire, main or the like used in any way to provide, collect or transport electricity, natural gas, communication or electronic signals (including, but not limited to, telephone, computer and cable television and stereo signals or electronic impulses), water or sewage.

(m) Water Rescue Attempt: Any emergency response by Township personnel in connection with any emergency or perceived emergency, on or near or caused by a body of water, naturally open to the atmosphere, including without limitation rivers, lakes, streams, impoundments, estuaries, springs, wells, or other collectors of water, including wetlands and an inland lake or stream as these terms are defined in the NREPA.

Section 3. Assessment of Costs.

(a) All Assessable Costs which are incurred by the Township and associated with any of the actions or services described in subsections (1) through (7) below may be jointly and severally assessed to any or all Responsible Parties. These Assessable Costs include:

(1) costs incurred to halt, abate, remediate or remedy any Release of any Hazardous Materials and any liabilities resulting therefrom;

(2) costs incurred to extinguish or fight a fire, any demolition costs if a Structure damaged by fire must be demolished to protect the public safety following the fire, and any liabilities resulting therefrom;

(3) costs incurred in connection with a Utility Line failure and any liabilities resulting therefrom;

(4) costs associated with a Motor Vehicle Accident or Fire and any liabilities resulting therefrom;

(5) costs associated with an Excessive Requests for Emergency Assistance and any liabilities resulting therefrom;

(6) costs associated with a False Alarm and any liabilities resulting therefrom; and

costs associated with a Water Rescue Attempt and any liabilities resulting therefrom.

(b) The Township Board may, by resolution, establish and revise a schedule of Assessable Costs for responses and services by the Fire Department and other emergency service personnel in connection with any incident. Subject to the limitations of Section 4 of this Ordinance, such resolution may, without limitation, establish fees for some or all of the types of services, exempt other types of services from Assessable Costs, and/or permit the imposition of Assessable Costs to parties or properties that are the subject of excessive unjustified calls in any given year. The schedule shall be available to the public from the Township Clerk. In the absence of such a schedule of Assessable Costs, the Township may assess its actual costs and expenses for a response to a Responsible Party.

Section 4. Exemptions. The following properties and services shall be exempt from fees and charges that are recoverable under this Ordinance:

(a) Incidents involving federal, state, county, township, village, or other governmental property.

(b) Incidents performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining unit of government.

Section 5. Billing and Collection Procedures. The following are the billing and collection procedures for recovery of Assessable Costs related to non-exempt actions or services that are not costs incurred to halt, abate, remediate or remedy any Release of any Hazardous Materials.

(a) The Township Treasurer or the Treasurer's designee shall certify to the Township Supervisor the total Assessable Costs incurred by the Township pursuant to Section 3 above. The Township Supervisor shall then decide whether to assess any, all, or part of the costs against any of the Responsible Parties. In deciding whether to assess any, all, or part of the costs against any of the Responsible Parties, the Township Supervisor shall consider the following factors:

(1) The total costs incurred by the Township, including, but not limited to, materials, equipment, manpower, administration, assistance from other sources, etc.;

(2) The risks to the Township, its residents, their property, or any other people or property which risks result from the situation which caused the Township to incur Assessable Costs;

(3) Any injuries or damage to people or property which resulted from the situation which caused the Township to incur Assessable Costs;

(4) Whether the situation which caused the Township to incur Assessable Costs necessitated an evacuation;

(5) Whether the situation which caused the Township to incur Assessable Costs resulted in any damage to the environment; and

(6) Any other factors deemed relevant by the Township Board.

(b) The Township Supervisor, may after consideration of the factors listed in Subsection 5(a) above, allocate the Assessable Costs among and between the Responsible Parties. Any Assessable Costs not allocated among or between Responsible Parties shall be a joint and several liability of each Responsible Party assessed costs under this Ordinance, regardless of whether that Responsible Party has any other legal liability therefore apart from this Ordinance, and regardless of whether the Responsible Party is at fault.

(c) If the Township Supervisor decides to assess costs, the Township Supervisor shall direct the Township Clerk, or his or her designee, to prepare and send a statement of costs to all Responsible Parties for the Assessable Costs. Such statement shall be dated and sent by First Class United States Mail, postage prepaid, to the last known address of each Responsible Party. All costs assessed pursuant to this Ordinance shall be paid within (30) calendar days of the date of the statement therefore, unless otherwise approved in writing by the Township Supervisor or an authorized representative of the Township Supervisor. Any additional expenses that become known to the Township Clerk after mailing of the first invoice may be billed in the same manner to the Responsible Parties. Any Responsible Party who fails to pay the costs assessed pursuant to this Ordinance within thirty (30) calendar days of the date of the statement therefore shall be considered in default. In the case of default, the Township Board may authorize the Township attorney to commence a civil action to recover the costs, plus a late payment penalty of one percent (1%) per month or part of a month during which the costs remain unpaid, together with its attorneys' fees and any other costs allowed by law.

(d) In cases where services have been rendered to a property or property owner, the charges shall constitute a lien on that property, including both real and personal property if allowed by law. If not paid within thirty (30) days after the same is due, the Township Treasurer shall, prior to September 1 of each year, certify to the Township Assessor the facts of such delinquency. The Assessor shall then enter the delinquent amount on the next general tax roll as a charge against the property, and the liens thereupon shall be enforced in the same manner as provided by and allowed by law for delinquent and unpaid taxes.

(e) In addition to the above collection methods, the Township is also authorized to request that the court involved in a prosecution related to an incident require a Responsible Party under this Ordinance to pay the same in full to the Township as a condition of probation or any other court requirement pursuant to the prosecution of that person for the incident.

Section 6. Collection Procedures for Incidents Caused by Release of Hazardous Materials. Subject to Section 8 of this Ordinance, the Township's method for seeking payment of recoverable expenses incurred by the Township in connection with an incident that is caused by a Release of a Hazardous Material shall be through a civil cost recovery action commenced by the Township Supervisor or a delegee in a court of competent jurisdiction, as provided in and as authorized by Part 201 of NREPA.

Section 7. Notice and Right to Appear Provisions. Any Responsible Party who receives a statement of Assessable Costs pursuant to this Ordinance shall be given the opportunity to appear before the Township Board to request a modification of the Assessable Costs. Any Responsible Party who desires to appear before the Township Board shall file a written request to appear with the Township Clerk within fourteen (14) calendar days of the date of the statement of assessed costs. The Responsible Party will be placed on the agenda of the next regularly scheduled or special Township Board meeting, which meeting is at least fourteen (14) calendar days after the date on which the Responsible Party files with the Township Clerk a request to appear. Any filed request to appear shall specifically identify and explain all reasons why the Responsible Party believes the costs assessed pursuant to this Ordinance should be modified. Any reason, basis or argument for a modification of the assessed costs not set forth in the written request to appear shall be deemed waived by the Responsible Party. Failure to file a written request to appear within fourteen (14) calendar days of the date of the statement of Assessable Costs shall constitute a waiver of the Responsible Party's right to appear before the Township Board, and shall further constitute the Responsible Party's agreement to pay the Assessable Costs.

Section 8. Other Remedies. The recovery of Assessable Costs imposed under this Ordinance shall not relieve or limit the liability of any person under any other local ordinance, or state or federal law, rule or regulations. The remedies provided herein shall be in addition to and cumulative to those remedies provided by other applicable laws, including, without limitation, the Michigan No-Fault Act.

Section 9. Non-Exclusive Charges. The Assessable Costs that are recoverable under this Ordinance shall not be the exclusive charges that may be imposed by the Township for maintaining a Fire Department and other emergency service personnel, but shall be supplemental to other charges authorized by law. Without limitation, the Township may impose other charges for these services through general taxation, special assessments, special millages and other lawful sources.

Section 10. Administrative Liability. No officer, agent, employee or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 11. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 12. Repeal and Savings. Ordinance No. 127, an ordinance entitled, "Cost Recovery Ordinance" is hereby repealed in its entirety; provided, however, that such repeal shall not have the effect of releasing or relinquishing any liability incurred under Ordinance No. 127, and such ordinance or part thereof shall be treated as still remaining in force for the purpose of authorizing the Township to bill and collect recoverable expenses that were incurred prior to the repeal of Ordinance No. 127.

Section 13. Publication/Effective Date. This Ordinance shall become effective within thirty (30) days of the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Miller, Wolfert, DeHaan, Van Haitsma, Brouwer, Windemuller, and Tacoma

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on May 18, 2026.



Laurie VanHaitsma, Supervisor
Charter Township of Jamestown

Attest:


Candy DeHaan, Township Clerk

Ordinance # 26-006

First Reading: April 20, 2026


Second Reading: May 18, 2026

Ordinance becomes effective: June 25, 2026

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at a regular meeting held on May 18, 2026, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.


I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.



Candy DeHaan
Township Clerk

CERTIFICATE OF PUBLICATION

I, Candy DeHaan, Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. 26-001, or a summary thereof, was published in the *Grand Rapids Press* on May 26, 2026.



Candy DeHaan
Township Clerk