

**RESOLUTION NO. 04-2019**

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 34 OF THE  
VILLAGE OF PORT SANILAC CODE OF ORDINANCES  
FOR THE PURPOSE OF UPDATING THE  
DEPARTMENT OF PUBLIC SAFETY**

**THE VILLAGE OF PORT SANILAC ORDAINS:**

**CHAPTER 34: PUBLIC SAFETY**

Section

*Department of Public Safety Services*

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**§ 34.01.00 TITLE**

The name of this subchapter shall be the Department of Public Safety Services. (Ord. passed 9-18-2012).

**§ 34.02.00 JURISDICTION AND AUTHORITY**

(A) The geographic location effected by this chapter shall be all properties within the jurisdictional boundaries of the Village.

(B) This subchapter is adopted pursuant to the authority granted under the General Village Law Act, Act 3 of 1895 as amended, being MCL 61.1 et seq, as amended and adopted and incorporated into this chapter. Any conflict between this chapter and the General Law Village Act, the Village Act shall apply and prevail. (Ord. passed 9-18-2012)

**§ 34.03.00 REGULATORY EFFECT**

This subchapter establishes the Village Department of Public Safety Services and delegates the authority to manage the police contract services provided under contract to the Village of Port Sanilac.

**§ 34.04.00 POLICE DEPARTMENT - EMPLOYEES AND CONTRACTED SERVICES**

The Village establishes the Department of Public Safety Services under authority of the General Village Law Act, Public Act 255 of 1998, being MCL 70.18, as amended. Police services shall be contracted by the Department of Public Safety Services as approved by the Village Council. The Department of Public Safety Services shall provide management and oversight of the police contractor. The Department of Public Safety Services shall consist of such personnel, divisions, bureaus and offices as the Coordinator of Public Safety Services and may recommend policy, procedures and contract suggestion to the Village Council.

**§ 34.04.01 FIRE AND EMERGENCY MEDICAL SERVICES - SANILAC EAST FIRE AUTHORITY**

(A) (1) The Village of Port Sanilac is an incorporating municipality of the Sanilac East Fire Authority as authorized by the Emergency Services to Municipalities Act, Public Act 57 of 1988, as amended. The Village of Port Sanilac has entered into, and agreed to the Sanilac East Fire Authority, Articles of Incorporation as submitted to the State of Michigan, Office of the Great Seal on August 11, 2017 which may be amended from time to time.

(2) In accordance with the provisions of the Emergency Services to Municipalities Act, Public Act 57 of 1988, as amended, and the Sanilac East Fire Authority, Articles of Incorporation, as amended, the Village of Port Sanilac has transferred, assigned or otherwise authorized the Sanilac East Fire Authority the authority to provide fire and emergency medical services as allowed under the General Village Law Act, Act 3 of 1895 as amended.

(3) The Village of Port Sanilac acknowledges that the Sanilac East Fire Authority shall enjoy all the rights, privileges afforded under state law, and this Ordinance,

to perform the duties of the Fire Chief in and for the Village of Port Sanilac.

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(B) (1) The Department of Public Safety Services shall perform no supervisory duties for the administration, operation or personnel management of the Sanilac East Fire Authority.

(2) The Department of Public Safety Services shall perform no supervisory duties for the administration, operation or maintenance of Village of Port Sanilac leased facilities, apparatus or other equipment under lease to the Sanilac East Fire Authority.

#### **§ 34.05.00 GENERAL FUNCTIONS AND DUTIES**

The functions and duties of the Department of Public Safety Services shall coordinate services provided by police contractors and fire authorities to enforcement of laws and ordinances for the protection of life and property and the keeping of the peace and good order.

#### **§ 34.06.00 COORDINATOR OF PUBLIC SAFETY SERVICES; CREATION AND DUTIES**

(A) (1) The Office of Coordinator of the Department of Public Safety Services is hereby created. The operation, administration and control of the Department of Public Safety Services, and all matters pertaining thereto, shall be under the control and direction of the Coordinator of Public Safety Services. The Village President shall nominate and the Village Council approve the appointment of the Coordinator of Public Safety Services. The Coordinator of Public Safety Services is subject to the direction of the President and Village Council.

(2) The Coordinator of Public Safety Services shall be the operating head and manager of the Department of Public Safety Services. The Coordinator shall have control of the Department, under the supervision and direction of the Village President and/or his or her designee and shall perform such duties as may be prescribed by this chapter, any ordinances of the Village, laws of the state and such further and other duties as shall be prescribed by the Village Council within the legal authority set forth in the laws of the State of Michigan.

(3) The Coordinator of Public Safety Services shall have the power to issue such verbal or written orders, policies and procedures to police contractors and employees of the Department of Public Safety as he or she may deem proper, and it shall be the duty of the Police Officers and Public Safety Officers, and employees of said Department to fully and completely obey the Coordinator's orders, approved policies and procedures, but such orders, policies and procedures shall be in conformity of law.

(4) The Coordinator of Public Safety Services shall promulgate, subject to the approval of the Village Council, employment standards for Police Officers, Public Safety Officers and police contractual personnel. Said employment standards shall at a minimum comply with those established by the State Law Enforcement Officers' Training Council in accordance with Public Act 203 of 1965, being MCL 28.601 et seq, as amended.

(5) The Coordinator of Public Safety Services, or Police Officers, Public Safety Officers designated police contract personnel by the Director, may be in command and control of any public safety incident and shall have the authority to issue such verbal orders to any person at the scene as may be reasonably necessary to protect life and property.

(B) The Department of Public Safety Services Coordinator is the authorized to oversee notice of violations or municipal Civil Infractions by enforcement personnel, being MCL 600.8701 and the General Law Village Act, being MCL 66.2.

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**§ 34.07.00 CERTIFIED POLICE OFFICERS AND PUBLIC SAFETY OFFICERS;  
POWERS AND DUTIES**

(A) Certified Police Officers and Public Safety Officers.

(1) All Police Officers and Public Safety Officers are hereby authorized to enforce the laws of the State and this subchapter of the Village, and all officers shall have the following powers and duties:

(a) To suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the State and to apprehend any and all persons in the act of committing any offense against the laws of the State or ordinances of the Village and to take the offender forthwith before the proper court or magistrate to be dealt with for the offense;

(b) To arrest without warrant any and all persons whom they have probable cause to believe to have committed a felony, to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of a violation of the chapter of the Village or the penal laws of the State and at all times diligently and faithfully to enforce all such laws, ordinances, rules and regulations for the preservation of good order and public welfare as the Village Council may ordain;

(c) To serve all processes lawfully directed or delivered to them for service; and for such purposes officers shall have all the powers of constables, sheriffs and other peace officers and may arrest upon view and without process any person in the act of violating any ordinance of the Village or committing any offense against the laws of the State; and

(d) To have any other power or authority given to them by State law.

(2) The officers may serve and execute all process in criminal proceedings for the violation of State law and this chapter.

(3) When any person has committed or is suspected of having committed any crime or misdemeanor within the Village, or has escaped from any Village / County jail, officers shall have the same right to pursue, arrest and detain such person outside the Village limits to the extent allowed by law.

(B) Public Safety Officers. All Public Safety Officers, in conformity with this subchapter of the village and the laws of the state, shall have the following powers and duties: conduct inspections as required by law.

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C. Coordinator of Public Safety Services Department

(1) The Coordinator of the Department of Public Safety Services, or any Police Officer or Public Safety Officer designated by the Coordinator, upon request by the owner or occupant of a building or premises may enter into and upon any building or premises within the Village, for the purposes of inspection and examination thereof, together with their occupancies and contents, for discovery of the existence of a public hazard. Periodic building inspections shall be made upon issuance of an administrative search warrant for the area, to determine whether the buildings are dangerous buildings within the provisions of the section. Whenever he or she shall find any building or premises, either public or private, which for want of repairs or by reason of age or dilapidated condition, defective electrical wiring or electrical equipment, defective chimneys, defective gas conditions, defective heating apparatus, accumulation of rubbish, waste materials or inflammable substances or decorations, property or premises of be dangerous to the public peace, security or safety, he or she shall make and file a report of his or her findings with the Coordinator of Public Safety Services.

(2) The Coordinator of the Department of Public Safety Services and his or her designee shall determine to what extent such dangerous conditions or materials shall be remedied or changed, and shall serve written notice to that effect on the owner or occupant. The service of such notice may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises. Whenever it may be necessary to serve such notice upon the owner of the premises, it may be served either by delivering to and leaving with such owner a copy of the notice, or if such owner is absent from the Village, by mailing such copy to the owner's last known post office address, by registered mail.

(3) Any person who fails to comply with the provisions of a notice served pursuant to this division (C) shall be deemed responsible for a municipal civil infraction. (Ord. passed 9-18-2012) (Ord. amended 9-19-2017) Penalty, see § 10.99

**§ 34.08.00 POLICE OATH OF OFFICE AND EMERGENCY SERVICE PERSONNEL**

All Police Officers and Public Safety Officers shall take the constitutional oath of office after appointment, before performing any of the duties of their office. All police contract personnel shall be sworn in as law enforcement officers by their employer with proofs provided to the Village.

All Fire Fighters employed by the Sanilac East Fire Authority shall hold valid fire fighter's certification as required by the Michigan Fire Fighters Training Council or otherwise as required under the Laws of the State of Michigan. Proofs of certification shall be provided to the Village on demand.

All Medical First Responder shall be licensed under the Laws of the State of Michigan. Proofs of license shall be provided to the Village on demand.

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**§ 34.09.00 REFERENCES IN CODE**

(A) All references in this code or in the village ordinance to "Police Officer", or "Public Safety Officer", as may be applicable, shall mean a certified law enforcement officer unless otherwise defined. All references in the code to "Chief of Police" shall hereinafter mean the Coordinator of Public Safety Services. All references to "Police Department" shall hereinafter mean the Department of Public Safety Services.

(B) All references in this code or in the village ordinance to "firefighter", as may be applicable, shall mean a firefighter in the employ of the Sanilac East Fire Authority unless otherwise defined. All references in the code to "Chief of the Fire Department" shall hereinafter mean the employed Fire Chief of the Sanilac East Fire Authority. All references to "Fire Department" shall hereinafter mean the Sanilac East Fire Authority.

**§ 34.10.00 RECRUITING STANDARDS**

(A) All Police Officers recruited for service shall possess the minimum qualifications established and adopted by the State Law Enforcement Officers Training Council in accordance with Public Act 203 of 1965, being MCL 28.601 through 28.616.

(B) Additional guidelines establishing police recruiting standards may be set by the Coordinator of Public Safety Services in accordance with current police recruiting standards and the Department's policy and procedures.

**EMERGENCY RESPONSE COST RECOVERY**

**§ 34.25.00 PURPOSE.**

In order to protect the Village from extraordinary expenses resulting from the utilization of the Village resources in response to certain public safety incidents, this subchapter authorizes the imposition of charges to recover actual costs incurred by the Village in responding to such incidents to the extent allowed by law.

**§ 34.26.00 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASSESSABLE COSTS.** Those costs for services incurred by the Village in connection with a response to a police, fire or other public emergency, including, but not limited to, the actual labor and material costs of the Village (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the Village or by a third party on behalf of the Village; service charges and interest; attorney fees, litigation costs and any costs, charges, fines or penalties to the Village imposed by any court or State or Federal governmental entities.

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§ 34.26.00 **DEFINITIONS (cont.)**

**BOMB THREATS.** The verbal or written threat of a bomb or other explosive device which, if discharged as threatened, would violate a Federal, State or local law.

**EMERGENCY ASSISTANCE.** Emergency medical, public safety, police, fire and civil defense services.

**EXCESSIVE REQUESTS FOR EMERGENCY ASSISTANCE.** Any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than five times in the preceding 30 days.

**FALSE ALARM.** Any automated or manual device designed to request or summon emergency assistance 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 the most senior person responding to a **FALSE ALARM**; provided, however, a **FALSE ALARM** shall not be deemed to have occurred if:

- (1) Caused by an Act of God (e.g., a lightning storm);
- (2) It originates from a motor vehicle alarm system; or
- (3) Has not occurred more frequently than three times in a calendar month of four times in a calendar year.

**HAZARDOUS MATERIAL INCIDENT OR EMERGENCY.** Any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the Coordinator of Public Safety Services or his or her designee has declared such activity, accident or emergency a **HAZARDOUS MATERIAL INCIDENT OR EMERGENCY**.

**HAZARDOUS MATERIALS.** Those elements, substances, wastes or by-products, including, but not limited to, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the Coordinator of Public Safety Services, or the senior fire official of the Sanilac East Fire Authority, in charge of the scene.

**ILLEGAL FIRE.** A fire set or determined to have been set in violation of a Federal, State or local law and shall include an arson fire and a fire set in violation of a no burning band or order. An **ILLEGAL FIRE** does not include an unintentional fire or fire cause by an Act of God (e.g., a lightning storm).

***MOTOR VEHICLE.*** Any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and, for the purposes hereof, all trailers or appurtenances attached to any motor vehicle.



§ 34.26.00 **DEFINITIONS (cont.)**

***PUBLIC SAFETY SERVICES EMERGENCY INCIDENT.***

- (1) Excessive requests for emergency assistance;
- (2) A false alarm;
- (3) A hazardous material incident or emergency;
- (4) An illegal fire;
- (5) Bomb threats;
- (6) Threats of harm to oneself or others;
- (7) A structure demolition;
- (8) A utility line failure; or
- (9) Damage to property, real or personal.

***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.

***RESPONSIBLE PARTY.*** Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any legal entity and his, her or their heirs, estates, successors and assigns, responsible for a public safety incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety incident.

***STRUCTURE DEMOLITION.*** The tearing down of a structure damaged by fire which must, in the opinion of the Coordinator of Public Safety Services or his or her designee, be promptly demolished following the fire to protect public safety.

***THREATS OF HARM TO ONESELF OR OTHERS.*** The verbal or written threat of physical harm to oneself or another or another's property which, if carried out, would be a violation of Federal, State or local law.

***UTILITY LINE FAILURE.*** The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electric, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to repair or correct such failure or negligent or intentional damage to utilities mentioned above.

**§ 34.27.00 COST RECOVERY AUTHORIZATION AND APPROVAL**

(A) The Village may recover all assessable costs in connection with a public safety incident from any or all responsible parties, jointly or severally to the extent allowed by law.

(B) The Coordinator of Public Safety Services or his or her designee shall determine the total assessable costs and shall in consultation with other Village personnel involved in responding to a public safety incident determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:

- (1) The total assessable costs;
- (2) The risk the public safety incident imposed on the village, its residents and their property;
- (3) Whether there was any injury or damage to person or property;
- (4) Whether the public safety incident required evacuation;
- (5) The extent to which the public safety incident required an unusual or extraordinary use of Village personnel and equipment; and
- (6) Whether there was any damage to the environment.

(C) After consideration of the factors in division (B) immediately above, the Coordinator of Public Safety Services or his or her designee may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefore or is legally at fault.

(D) If the Coordinator of Public Safety Services and or his or her designee determines not to assess all or part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

**Statutory reference:** Police and Fire Protection, see MCL 41.806a

**§ 34.28.00 BILLING AND COLLECTION OF ASSESSABLE COSTS**

(A) After determining to assess assessable costs against a responsible party, the Village Treasurer shall mail an itemized invoice to the responsible party at its last known address.

(B) Such invoice shall be due and payable within 30 days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to 1% per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid.

(C) If a responsible party shall appeal assessable costs pursuant to § 34.29 of this chapter, such costs, if upheld, in whole or in part, shall be due and payable 30 days from the date of determination of the appeal and any late payment fees shall apply thereafter.

**§ 34.29.00 PROCEDURE FOR APPEALING ASSESSABLE COSTS**

(A)(1) Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the Coordinator of Public Safety Services or his or her designee to request a modification of assessable costs.

(2) The responsible party shall request in writing such meeting within seven calendar days of the date of the invoice assessing the assessable costs.

(B)(1) If, after meeting with the Coordinator of Public Safety Services or his or her designee, the responsible party is still not satisfied, he or she may request an opportunity to meet with the Public Safety Committee to further request a modification of assessable costs.

(2) If, after meeting with the Public Safety Committee, the responsible party is still not satisfied, he or she may request an opportunity to meet with the Village Council to further request a modification of assessable costs.

(3) A responsible party who desires to appear before the Village Council must first meet with the Village President or his or her designee as provided above and shall file a written request to appear before the Village Council with the Village Clerk within seven calendar days of the date of the meeting with the Public Safety Committee.

(C) Upon receipt of such request, the Village Clerk will place the responsible party on the agenda of the next regularly scheduled Village Council meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear.

(D) Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified.

(1) Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party.

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**§ 34.29.00 PROCEDURE FOR APPEALING ASSESSABLE COSTS (cont.)**

(D)(2) Failure to timely file a written request to appear shall constitute a waiver of the responsible party's right to appear before the Village Council; and shall further constitute the responsible party's agreement to pay the assessable costs invoiced.

(E) After a responsible party has been given an opportunity to appear before it, the Village Council shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced.

**§ 34.30.00 ASSESSABLE COSTS A LEIN UPON PROPERTY**

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon real property of the responsible party in the village, from which, upon which or related to which the public safety incident occurred. Such lien shall be of the same character and effect as the lien created by village ordinance for village real property taxes and shall include accrued interest and penalties. The Village Treasurer shall, prior to March 1 of each year, certify to the Village Assessor the fact that such assessable costs are delinquent and unpaid. The Village Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes. (Ord. passed 9-18-2012) (Ord. amended 9-19-2017)

**§ 34.31.00 OTHER REMEDIES**

In addition to the remedy set forth in § 34.30 of this Chapter, the Village shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.

**§ 34.32.00 NO LIMITATION OF LIABILITY**

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, State or Federal law.

**§ 34.33.00 PUBLIC SAFETY COMMITTEE**

The Village Council hereby establishes a Public Safety Committee to resolve any disputes involving the Department of Public Safety Services that are not satisfactory resolved with the Coordinator of Public Safety, both internally and externally. The Public Safety Committee shall consist of three members, consisting of one member of the Village Council and two alternate members who may be resident of the Village and / or a member of another governmental entity other than the Village. The member of Village Council is assigned by the Village President and other member(s) of the Committee are appointed by the Village President and approved by the Village Council for a term of not more than one year.

**§ 34.34.00 Effective Date.** These Ordinance Amendments shall not take effect before the twentieth day after its passage or before the date of its publication, whichever occurs first.