

ORDINANCE NO. _____

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF ORDINANCES BY AMENDING TITLE III: ADMINISTRATION; CHAPTER 32: FINANCE AND TAXATION; AND TITLE V, PUBLIC WORKS, CHAPTER 51, WATER AND CHAPTER 52, SEWERS, TO AUTHORIZE THE VILLAGE OF PINCKNEY TO RECOVER COSTS INCURRED BY THE DEPARTMENT OF PUBLIC WORKS (DPW) AND POLICE DEPARTMENT IN RESPONSE TO CERTAIN INCIDENTS INVOLVING DAMAGE, NEGLIGENCE, OR EXTRAORDINARY SERVICES

The Village of Pinckney ordains:

Section 1. Village of Pinckney Code of Ordinances, Title III, *ADMINISTRATION*, Chapter 32, *FINANCE AND TAXATION*; is hereby amended to add §§ 33.01, 33.02, 33.03, 33.04, 33.05, and 33.06 to read as follows:

§ 33.01 PURPOSE.

The purpose of this Ordinance is to authorize the Village of Pinckney to recover the actual and reasonable costs incurred by its Department of Public Works (DPW) and Police Department in response to certain incidents which are beyond the scope of routine services and which arise due to the negligent, intentional, or unlawful acts of individuals, property owners, or businesses. This Ordinance is intended to safeguard the fiscal integrity of the Village and to ensure equitable allocation of costs for services rendered.

§ 33.02. DEFINITIONS.

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

- (A) *Responsible Party.* Any individual, firm, corporation, partnership, association, or other legal entity whose action or omission necessitates a response from the Village's DPW or Police Department.
- (B) *Recoverable Costs.* All actual and reasonable expenses incurred by the Village including, but not limited to, wages, salaries, employee benefits, administrative costs, equipment use, materials consumed, and outside contractor services.
- (C) *Extraordinary Response.* Any non-routine response necessitated by circumstances not arising from normal Village operations

§ 33.03. Recoverable Incidents.

The following shall constitute incidents for which cost recovery may be sought:

- (A) Department of Public Works (DPW):
 - (1) Emergency responses occurring outside of regular business hours caused by private action, negligence, or willful misconduct.

- (2) Damage to Village-owned infrastructure including, but not limited to, water meters, curb stops, hydrants, and sewer lines.
 - (3) Unauthorized tampering with or connection to municipal utilities.
 - (4) Cleanup of spills, obstructions, or debris originating from private property or activities.
 - (5) Restoration of public rights-of-way following unauthorized work or excavation.
- (B) Police Department:
- (1) Emergency responses occurring outside of regular business hours caused by private action, negligence, or willful misconduct.
 - (2) False alarms in excess of two (2) within a calendar year.
 - (3) Traffic incidents involving unlawful conduct that require extended police presence.
 - (4) Nuisance events, criminal activity, or large gatherings that necessitate non-routine enforcement actions.
 - (5) Standby services or crowd control required for privately organized events.

§ 33.04. Event Support and Standby Services

The Village may recover costs associated with providing DPW or Police services for events that require non-routine support, such as traffic control, public safety presence, or infrastructure assistance. These costs may include labor, equipment use, and any other direct or indirect expenses incurred by the Village.

An estimate of anticipated costs shall be provided to the event organizer prior to the event and shall be acknowledged as part of the event's permit application. Final costs may be adjusted based on actual services rendered. Failure to pay such costs in a timely manner may result in the denial of future permits and/or placement of the charges as a lien on the responsible party's property, where applicable.

§ 33.05. Cost Recovery Procedure.

- (A) Upon conclusion of a recoverable incident, the Village shall determine the actual costs incurred.
- (B) An invoice itemizing the services rendered and corresponding costs shall be sent to the Responsible Party.
- (C) Payment in full shall be due within thirty (30) days of the invoice date.
- (D) Unpaid charges may be enforced by placement on the Village tax roll as a special assessment, lien against property, or through civil litigation.

- (E) Cost Recovery Fees involving the Village's public Water System may also be collected and enforced under Code § 51.11, *Billing and Enforcement; No Free Service*; or under Code § 32.23 *Single Lot Assessments*.
- (F) Cost Recovery Fees involving the Village's public Sewage Disposal System may also be collected and enforced under Code § 52.35, *Billing and Collections; Termination of Water and Sewer Service by Village*; or under Code § 32.23 *Single Lot Assessments*.
- (G) Cost Recovery Fees arising on the premises of the Responsible Party within the Village may also be collected and enforced under Code § 32.23 *Single Lot Assessments*.

§ 33.06. Appeal Procedure.

A Responsible Party may submit a written appeal to the Village Clerk within thirty (30) days of the invoice date. Said appeal shall include all reasons and documentation supporting the request for reconsideration. Appeals shall be reviewed by the Village Manager and may be brought before the Village Council for final determination.

Section 2. Village of Pinckney Code of Ordinances, TITLE V, Public Works, Chapter 51, *Water*, §51.10, *Connection Permit Required; Applications; Deposit*, Subsections (C)(12) and (13) are hereby amended to read as follows:

(12) *Cost Recovery Fees.* Cost Recovery Fees under Code §§ 33.01 – 33.06 involving the Village's public Water System may be collected and enforced under this Code Chapter.

(13) *Other fees.* The Village Council may, by resolution, establish certain additional fees as may be required to carry out the purposes of this subchapter.

Section 3. Village of Pinckney Code of Ordinances, TITLE V, Public Works, Chapter 52, *Sewers*, § 52.29, *Establishment of Rates; Rates and Charges*, Subsections (C)(9) and (10) of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(9) *Cost Recovery Fees.* Cost Recovery Fees under Code §§ 33.01 – 33.06 involving the Village's public Sewage Disposal System may be collected and enforced under this Code Chapter.

(10) *Other fees.* The Village Council may, by resolution, establish certain additional fees as may be required to carry out the purposes of this subchapter.

Section 4. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal

or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

Section 6. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 7. Effective Date. This Ordinance shall be effective from and after its publication.

Jeffrey Buerman, Village President

Andrea McCall, Village Clerk

Village Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member _____, and upon being put to a vote, the vote was as follows:

Jeffrey Buerman, President
Justin Bierman, Trustee
Stacy Conquest, Trustee
Keri Hochertz, Trustee
Nick Kane, Trustee
Rob Coppersmith, Trustee
Jo Self, Trustee

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this ____ day of _____, 2025.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. _____ adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on _____, 2025.

Andrea McCall, Village Clerk