

ARTICLE VI. COST RECOVERY**Sec. 74-180. Purpose.**

The village council has determined that it is in the best interests of the citizens of the village to provide for the recovery of costs associated with an emergency response and the expenses for prosecution of certain offenses by or on behalf of the village, as permitted by Act 372 of the Public Acts of 2000, as amended, MCLA 769.1fet seq.

(Ord. No. 285, § 1, 10-3-2005)

Sec. 74-181. Liability for costs of prosecution and/or emergency response for certain specified offenses.

(a) Following conviction of any of the following offenses, the person convicted shall reimburse the village for the expenses of prosecuting that person, as provided in this section:

(1) A violation or attempted violation of section 625(1), (3), (4), (5), (6) or (7) or section 625m of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625 and 257.625m, or of a local ordinance substantially corresponding to section 625(1), (3) or (6) or section 625m of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625 and 257.625m.

(2) Felonious driving, negligent homicide, manslaughter, or murder, or attempted felonious driving, negligent homicide, manslaughter, or murder, resulting from the operation of a motor vehicle, snowmobile, ORV, aircraft, vessel, or locomotive engine while the person was impaired by or under the influence of intoxicating liquor or a controlled substance, as defined in section 7104 of the Public Health Code, 1978 PA 368, MCL 333.7104, or a combination of intoxicating liquor and a controlled substance, or had an unlawful blood alcohol content.

(3) A violation or attempted violation of section 82127 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82127.

(4) A violation or attempted violation of section 81134 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81134 and 324.81135.

(5) A violation or attempted violation of section 185 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.185.

(6) A violation or attempted violation of section 80176(1), (3), (4), or (5) of the Natural Resources and Environmental Protection Act, 1995 PA 451, MCL 324.80176, or a local ordinance substantially corresponding to section 80176(1) or (3) of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80176.

(7) A violation or attempted violation of section 353 or 355 of the Railroad Code of 1993, 1993 PA 354, MCL 462.353 and 462.355.

(8) A violation or attempted violation of chapter XXXIII or section 327, 327a, 328, or 411a(2) of the Michigan Penal Code, 1931 PA 328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and 750.411a.

(9) A finding of guilt for criminal contempt for a violation of a personal protection order issued under section 2950 or 2950a of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or for a violation of a foreign protection order that satisfies the conditions for validity provided in section 2950i of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.2950i.

(b) The expenses for which reimbursement may be obtained under this article include all of the following:

- (1) The salaries or wages, including overtime pay, of law enforcement personnel for time spent responding to the incident from which the conviction arose, arresting the person convicted, processing the person after the arrest, preparing reports on the incident, investigating the incident, and collecting and analyzing evidence, including, but not limited to, determining bodily alcohol content and determining the presence of and identifying controlled substances in the blood, breath, or urine.
- (2) The salaries, wages, or other compensation, including overtime pay, of fire department and emergency medical service personnel, including volunteer fire fighters or volunteer emergency medical service personnel, for time spent in responding to and providing fire fighting, rescue, and emergency medical services in relation to the incident from which the conviction arose.
- (3) The cost of medical supplies lost or expended by fire department and emergency medical service personnel, including volunteer fire fighters or volunteer emergency medical service personnel, in providing services in relation to the incident from which the conviction arose.
- (4) The salaries, wages, or other compensation, including, but not limited to, overtime pay of prosecution personnel for time spent investigating and prosecuting the crime or crimes resulting in conviction.
- (5) The cost of extraditing a person from another state to this state including, but not limited to, all of the following:
 - a. Transportation costs; and
 - b. The salaries or wages of law enforcement and prosecution personnel, including overtime pay, for processing the extradition and returning the person to this state.
- (6) An order for reimbursement under this section may be enforced by the prosecuting attorney or the state or local unit of government named in the order to receive the reimbursement in the same manner as a judgment in a civil action.

(Ord. No. 285, § 1, 10-3-2005)

Sec. 74-182. Imposition of costs by court.

Nothing contained herein shall prohibit or restrict the Ottawa County Circuit Court, the Ottawa County District Court, or the Ottawa County Juvenile Court from imposing the costs of prosecution as part of a sentence following conviction of any of the offenses listed in subsection 74-181(a)(9), as authorized by MCLA 769.1f(1), provided, however, that neither the village nor the county shall be fully reimbursed more than once for the expenses incurred in the prosecution of an offenses.

(Ord. No. 285, § 1, 10-3-2005)

Sec. 74-183. Procedures for determination and recovery of costs.

The costs of prosecution for the offenses listed in subsection 74-181(a)(9) shall be determined and recovered in the following manner.

- (1) *Charge against person:* The expenses incurred by the village as a result of a prosecution for an offense set forth in subsection 74-181(a)(9) shall be charged to the person liable for the expenses under the terms of this article. The charge constitutes a debt of that person and is collectible by the village in the same manner as in the case of an obligation under a contract, expressed or implied.
- (2) *Cost recovery schedule:* The village council may, by resolution, adopt a schedule of costs specifying the expenses associated with a prosecution of an offense set forth in subsection 74-181(a)(9), or may recover actual costs. Any schedule adopted pursuant to this section shall be available to the public from the village clerk/treasurer or his/her designee. The schedule adopted by the village council

may be a flat fee based on a study of the average of costs sustained in making a prosecution for the listed offense.

(3) *Billing*: The village clerk/treasurer, or his/her designee, may, within ten days of receiving itemized costs, or any part thereof, incurred for a prosecution and conviction, submit a bill for the costs by first class mail or personal service to the person liable for the expenses as enumerated under this article. The bill(s) shall require full payment in 30 days from the date of mailing or personal service.

(4) *Failure to pay; procedure to recover costs*: Any failure by the person described in this article as liable for the expense of a prosecution for an offense listed in subsection 74-181(a)(9), to pay the bill within 30 days of service shall be considered a default. In case of default, the village may commence a civil suit to recover the expenses and any costs allowed by law, or may contract with a collection agency to recover said expenses and costs in the name of the village.

(Ord. No. 285, § 1, 10-3-2005)

Sec. 74-184. Conflict with criminal laws; coordination of collection efforts.

Nothing in this article shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a court for any criminal offense under Michigan law. If recovery of the costs of prosecution are required as part of a criminal sentence, the village clerk/treasurer shall work with the relevant court to coordinate recovery of the cost of prosecution.

(Ord. No. 285, § 1, 10-3-2005)