

Chapter 9.50

COSTS OF EMERGENCY RESPONSE

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9.50.010 Definitions. For the purpose of this chapter the following words and phrases shall have the meaning ascribed to them in this section:

(a) "Appeal" means an appeal to the town council. The word includes the process which commences the appeal as well as the hearing itself.

(b) "Expense of an emergency response" means reasonable costs incurred by the public agency in making an appropriate emergency response to the incident, but shall only include those costs directly arising because of the response to the particular incident. Reasonable costs shall include the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(c) "Intentionally wrongful conduct" means conduct intended to injure another person or property.

(d) "Public agency" means the state and any city, town, county, municipal corporation, district, or public authority located, in whole or in part within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

(e) "Under the influence of an alcoholic beverage or any drug" or "under the combined influence of an alcoholic beverage and any drug" means when as a result of drinking an alcoholic beverage or using any drug, or both, a person's physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. For purposes of this chapter, the presumptions described in sections 23152 and 23155 of the Vehicle Code shall apply. (Ord. 495 (part), 1991).

9.50.020 Liability of operator of motor vehicle. Any person who is under the influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, upon filing of a complaint thereof, is liable for the expense of an emergency response by a public agency to the incident. (Ord. 495 (part), 1991).

9.50.030 Collection of expenses--effect on insurance. The expense of an emergency response shall be a charge against the person liable for expenses under this chapter. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied, except that liability for the expenses provided for in this article shall not be insurable and no insurance policy shall provide or pay for the expenses. (Ord. 495 (part), 1991).

9.50.040 Imposition of charges upon filing a complaint. The charges imposed under this chapter shall not be due and payable to the town unless and until the complaint is filed against the assessee by the Marin County district attorney. If the assessee is not convicted of the offense of driving under the influence as defined in Section 9.50.010, then any and all amounts collected by the town under this chapter shall be returned to the assessee. (Ord. 495 (part), 1991).

9.50.050 Amount of fees imposed. The amount of the fees imposed under this section shall be the public safety rate plus benefits times the number of public officer hours at the scene of the emergency response plus thirty-three percent overhead. (Ord. 495 (part), 1991).

9.50.060 Limit of liability. In no event shall a person's liability under this chapter for the expense of an emergency response exceed one thousand dollars for a particular incident. (Ord. 495 (part), 1991).

9.50.070 Changes in fees charged by resolution. Any changes in the fees charged under Section 9.50.050 may be made by resolution duly passed and adopted by the town council. (Ord. 495 (part), 1991).