

Fire Run Charges

An ordinance to establish cost-recovery charges and exemptions for fire department and other emergency services under Public Act 33 of 1951, as amended (MCL 41.801, et seq.), and to provide methods for collecting those charges.

THE TOWNSHIP OF CENTERVILLE, LEE LANAU COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

This ordinance is adopted to enable the Township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection and other emergency services provided by the Township. It is the further purpose of the ordinance to provide for full funding of the Township's fire protection and other emergency services which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township.

Section 2: Cost-Recovery Charges

The following charges are due and payable to the Township from a recipient of any of the following listed fire protection and other emergency services from the Township: (See Appendix A)

Section 3: Time for Payment for Run

All of the foregoing charges are due and payable within 30 days from the date the service is rendered and, in default of payment, are collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt.

Section 4: Exemptions

The following properties and services are exempt from the foregoing charges:

- A. False alarms
- B. Fires caused by railroad trains, which are the specific statutory responsibility of railroad companies
- C. Fire involving Township buildings, grounds and/or property
- D. Fire or other emergency service performed outside the jurisdiction of the Township, unless the township and the other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a.

Section 5: Collection of Charges

The Township may proceed in district court by suit to collect any monies remaining unpaid from a responsible party and shall have any and all other remedies provided by and subject to law for the collection of said charges.

Section 6: Non-Exclusive Charge

The foregoing rates and charges are not the only charges that may be made by the Township for the costs and expenses of providing fire protection and other emergency services. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by a special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

Section 7: Multiple Property Protection

When a particular fire protection or other emergency service rendered by the Township directly benefits more than one person or property, the owner of each property so benefited, and each person so benefited where property protection is not involved, is liable for the payment of the full charge for such service. The interpretation and application of this section is delegated to the Township Fire Chief, subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.

Section 8: Severability

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

Section 9: Effective Date

This ordinance has immediate effect. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

The foregoing ordinance was offered by Board Member: Schwantes

Second offered by Board Member: Peplinski

Upon roll call vote the following voted for:

Peplinski = Yes, Wurm = Yes, Kelenski = Yes, Pleva = Yes, Schwantes = Yes

Upon roll call vote the following voted against:

None

THE ORDINANCE WAS DECLARED ADOPTED. ON A 5-0 VOTE

CENTERVILLE TOWNSHIP

BY: Leonard Kelenski

Leonard Kelenski, Supervisor

APPENDIX A

- A. House fire: \$500.00
- B. Fire in a multiple-family building: \$500.00 Per Unit
- C. Emergency rescue service: \$500.00 Vehicle Extrication
- D. Downed power line or other non-HAZMAT public utility hazard response: \$300.00 for the first hour and \$100.00 per hour thereafter

CLERKS CERTIFICATE

I, the undersigned, the Clerk of the Township of Centerville, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Centerville Township Board of said municipality at its regular meeting held on the 14 day of Sept, 2011, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act, at which meeting a quorum was present, by a unanimous vote of said members as hereinbefore set forth; that said Ordinance was ordered to take immediate effect.

Dated: 9-14-2011

By: David Wurm

David D. Wurm, Clerk