

ST. CLAIR TOWNSHIP
1539 S. Bartlett Rd. St. Clair, MI 48079
Phone (810) 329-9042 Fax (810) 329-1198
www.stclairtp.org

ORDINANCE NO. 159
ST. CLAIR TOWNSHIP

An ordinance to establish charges for fire protection services under Public Act 33 of 1951, as amended (Michigan Compiled Laws 41.801, et seq), and to provide methods for the collection of such charges and exemptions therefrom.

THE TOWNSHIP OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

Section 1. Purpose

The purpose of this ordinance is to provide financial assistance to St. Clair Township from those receiving direct benefits from Township fire protection services and to provide for full funding of fire protection services which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township from the existence of fire protection service agreements with surrounding municipalities to extinguish fires within the Township and to perform other emergency services.

Section 2. Charges

The amount of Four Hundred (\$400.00) Dollars shall be due and payable to the Township from a recipient of any of the following enumerated services from those fire departments providing fire protection services and other emergency services within St. Clair Township:

- A. Grass Fire
- B. Rubbish Fire
- C. Automobile fire
- D. House Fire
- E. Commercial establishment fire
- F. Industrial or manufacturing establishment fire
- G. Multiple-family building fire
- H. Hotel or motel fire
- I. Aircraft fire
- J. Train fire
- K. Truck fire
- L. Brush fire
- M. Emergency rescue service
- N. Resuscitator service
- O. A second alarm system malfunction and each occurrence thereafter
- P. False alarm by the property owner
- Q. Jaws of life

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- R. Gas spill or other hazardous material spill plus an additional charge of \$20.00 per firefighter per hour and \$20.00 per truck per hour.
- S. Natural gas leak
- T. Other services not specifically enumerated

Section 3. Time for Payment

All of the foregoing charges shall be due and payable by the owner of the property or the person receiving the benefit of services within thirty (30) days from the date the service is rendered and in default of payment shall be collectible through proceedings in district court or in any court of competent jurisdiction.

Section 4. Exemptions

- A. Fires caused by railroad trains, which are specific statutory responsibility of railroad companies.
- B. Fires involving Township buildings, grounds and/or property.
- C. Fire services performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining municipality.

Section 5. Collection of Charges

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

Section 6. Non-Exclusive Charge

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the cost and expenses of providing fire protection services, but shall only be supplemental thereof. 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 Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional cost and expenses.

Section 7. Multiple Property Protection

When a particular service rendered by the Township Fire Department directly benefits more than one person or property, the owner of property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Township Supervisor subject only to appeal,

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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

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

Section 9. Repeal

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. Effective Date

This Ordinance shall become effective upon publication after adoption

Section 11. Inspection of Ordinance

A copy of this Ordinance may be inspected or purchased at the Township Hall, 1539 South Bartlett Road, St. Clair, Michigan 48079, during regular posted office hours.

Joyce A. Skonieczny, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 159, duly adopted by the Township Board of the Township of St. Clair, St. Clair County, Michigan, at a regular meeting held on the 16th day of August 2004, at which all members were present except, Clerk Skonieczny, and 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 minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Trustee Sheets moved adoption of said Ordinance and that Treasurer Miskus supported said Motion.

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I further certify that the following Members voted for adoption of said Ordinance:
Supervisor Kilby, Treasurer Miskus, Trustee Silk, Trustee Sheets, and that no member
voted against adoption of said ordinance.

Joyce A. Skonieczny, Clerk
Township of St. Clair

Adopted: August 16, 2004
Publication: August 25, 2004
Effective: August 25, 2004