

Fire Department Cost Recovery

An ordinance to establish fire and rescue service charges for non-residents and non-property owners of Clinton Township for fire protection and rescue services under public act number 50 of 1960, as amended, and Public Act 33 of 1951, as amended to protect the health, safety and welfare of township inhabitants.

THE TOWNSHIP OF CLINTON, LENAWEE COUNTY, MICHIGAN ORDAINS:

Section 1. Name.

The ordinance shall be known and cited as the Clinton Fire Department Cost Recovery Ordinance.

Section 2. Definitions.

For purposes of this section the following terms shall have the meanings designated in this subsection:

- a. *Clinton Fire Board* shall mean a Board established by Clinton Township and the Village of Clinton for providing supervision and direction to the Clinton Fire Department.
- b. *Clinton Fire Department* shall mean the Fire Department that is jointly owned and operated by Clinton Township and the Village of Clinton.
- c. *Clinton Township or Township* shall mean a Michigan municipal corporation whose address is 172 W. Michigan Avenue, Clinton, Michigan 49236.
- d. *Fire services* shall mean, but not be limited to, fire, rescue, medical, hazardous material, technical rescue, disaster services and other similar fire department services provided to assist people in emergency situations.
- e. *Village of Clinton or Village* shall mean a Michigan municipal corporation whose address is 119 East Michigan Avenue, Clinton, Michigan 49236.
- f. *Resident* shall mean a person that (i) has a bona fide residence or (ii) owns property or (iii) has a bona fide business in Clinton Township or the Village of Clinton.
- g. *Non-Resident* shall mean any person other than a resident as herein defined.

Section 3. Purpose.

The purpose of this ordinance is to provide financial assistance to the Clinton Fire Department for furnishing fire services to those non-residents who receive direct benefits from said services but who do not financially support the Village or Township with their taxes. Also, to provide for full funding of fire services, which remain in large part at large government expenses based on the general benefits derived by citizens from the availability of said service.

Section 4. Joint Ordinance.

As joint owners and operators of the Clinton Fire Department, each municipality will adopt a Fire Cost Recovery Ordinance, so the Clinton Fire Department may assess charges for fire services to Non-Residents.

Section 5. Charges.

The Clinton Fire Department shall charge non-residents for fire services pursuant to a fee schedule adopted agreed to by both the Village and Township and adopted by resolution of Clinton Township. With the consent of the governing bodies of both the Township and Village this fee schedule may from time to time be amended by resolution. The adopted charges shall be reasonably based on the actual cost incurred by the Clinton Fire Department in providing the fire service, including, but not limited to Township and Village costs, and the cost of administering the ordinance.

Section 6. Exemptions.

The following properties and services shall be exempt from, the foregoing charges:

- a. Fires involving Village or Township buildings, grounds, and/or property.
- b. Fire services performed outside the jurisdiction of the Village or Township under a mutual aid contract with Lenawee County Fire Chief's Association.
- c. Fire services performed outside the jurisdiction of the Village or Township under a mutual aid contract with Washtenaw County Fire Chief's Association.
- d. Fire services for MABAS Mutual Aid.
- e. Fire services performed under contract with Manchester Township.
- f. Fire services performed under contract with Macon Township
- g. Fire services performed under contract with Bridgewater Township.

Section 7. Payment.

All charges made pursuant to this ordinance shall be due and payable within 60 days from the date of billing for the fire service rendered. Any default of payments shall be

collectible through proceedings in any court of competent jurisdiction as a mature debt, including actual attorney fees and costs of collection. Unpaid charges shall bear interest at a rate of ten percent (10%) per annum beginning thirty (30) days after the date of the invoice and continuing every thirty (30) days until payment is made in full.

Section 8. Billing.

The Clinton Fire Department shall obtain the necessary information and bill the non-resident for fire services. Upon receipt of payment, monies will be deposited in the appropriate Fire Department budget line.

Section 9. Right of Appeal.

A non-resident billed for fire services may appeal the invoice within 60 days of the date of the bill by submitting a written request to the Clinton Village Manager. The written appeal shall state specific reasons for the appeal and the outcome sought. The Village Manager will review the request and issue findings within 45 days from date of receipt of the appeal.

If the appeal is not satisfactorily resolved, the appealing party may make a final appeal to the Clinton Fire Board within 45 days of the date of Village Manager's response letter. The Clinton Fire Board shall have the right to review the charges for fire services rendered upon timely application made and determine whether to increase minimum charges, abate charges in whole or part, based upon the facts of any specific claim as it shall appear.

Section 10. Headings.

The headings used in each section of this ordinance are for the purpose of identification and are not a substantive part of this ordinance.

Section 11. Severability.

If any section of this ordinance is held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any section should be ruled invalid by such tribunal, the remainder of the ordinance shall not be affected thereby.

Section 12. Conflict.

In the event that there is conflict with any other ordinance, this ordinance shall supersede.

Section 13. Effective Date.

This ordinance shall be effective twenty (20) days after publication in a newspaper of general circulation in the Clinton.

YEAS: 5
NAYS: 0
ABSENT: 0

Ordinance declared adopted on November 12, 2018.

Basil Greenleaf, Supervisor
Clinton Township

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Joann Steffens, the duly elected Clerk of the Township of Clinton certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Clinton on November 12, 2018 and published in the Clinton Local a newspaper circulated in the Township of Clinton on November 22, 2018.

Joann Steffens, Clerk
Township of Clinton

CHARGEBACK COST

Chargeback Cost:

Cost for Basic Call without additional services	\$ 500.00
Medical Emergency Call.....	\$ 350.00
Each vehicle manned with 2 to 4 personnel per incident.....	\$ 450.00
Operations of Hydraulic Rescue Tools	\$ 100.00
Use of Power Tools	\$ 100.00
Use of Rescue Air Bags	\$ 100.00
Use of miscellaneous tools or supplies	\$ 100.00
Mitigation of a hazardous spill (Minor).....	\$ 200.00
Use of oil dry per bag	\$ 25.00
Use of spill kit contents.....	Per Item
Use of foam per 5-gallon pail	\$ 125.00

Hazardous Material Incident:

Costs are on a 24-hour basis.

Personnel costs @ \$25.00/hour per person.

VILLAGE AND TOWNSHIP OF CLINTON

COST RECOVERY FORM

VEHICLE AND DRIVER INFORMATION

Date: _____ Time: _____ Incident Number: _____

Location of Incident: _____

Vehicle Description:

Year: _____ Make: _____ Model: _____

License Plate No: _____ State: _____ VIN: _____

Driver:

Name: _____

Address: _____

City or Town: _____ State: _____ Zip: _____

Driver License No: _____

INSURANCE

Agent Name: _____ *Phone #: _____

*Company Name: _____

Address: _____

*Policy #: _____

VEHICLES, EQUIPMENT, MANPOWER USED IN HOURS (NEAREST % HOUR).

Rescue 1: _____ Engine 2: _____ Brush 1: _____

Tanker 1: _____ Tanker 2: _____ Chief Car: _____

Hydraulic Tools: _____ Foam: _____ Other: _____

Personnel:

Total number: _____ Regular Hrs: _____ Overtime Hrs: _____

COMMERCIAL VEHICLE INFORMATION

Vehicle Cab Number: _____ Trailer Number: _____

Plate Number: _____ USDOT Number: _____

Vehicle Owner — Lessor Information

Name: _____

Address: _____

City or Town: _____ State: _____ Zip: _____

INSURANCE

Agent Name: _____ *Phone #: _____

*Company Name: _____

Address: _____

*Policy #: _____

CARGO DESCRIPTION

SUPPLIES AND EQUIPMENT USED
