

MENOMINEE TOWNSHIP, MENOMINEE COUNTY, MICHIGAN

**Fire Run Charges (Cost Recovery)
Ordinance Number: 12-19-12-02**

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

The Township Board of Trustees for Menominee Township 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 services provided by the Township. It is the further purpose of the ordinance to provide for its share of full funding of fire protection services which remains, in part, a governmental expense which benefits all residents and property owners within the township. The majority of township funding is derived from State Revenue Share funds based on population; therefore some exemptions are provided to local residents. A third source of funding is tax dollars (if the township has a millage in place) derived from property.

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 services from the Township:

- A. Rubbish/Grass fire..... \$500.00**
- B. Vehicle accident/fire..... \$350.00**
- C. Structure fire..... \$500.00**
- D. Nuisance Call (s) (4th Time and Trucks are Rolling) \$350.00**
- E. Downed Power line/other non HAZMAT public utility hazard \$350.00**
- F. Other services not specifically listed \$350.00**

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 (includes 3 or fewer nuisance calls in a 6-month period).**
- 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. Mutual Aid - Fire 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.**
- E. Vehicles accident/fire calls of Township residents.**
- F. Public service assistance.**
- G. Wild land – noncontiguous to a structure.**

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 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 services.

Section 7. Multiple Property Protection. When a particular fire protection 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 Fire Chief, subject only to appeal, within the time limits for payment, to the Township Board of the jurisdiction 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. Publication. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same with first reading on 19 December 2012.

Section 10. Effective Date. This ordinance duly approved and adopted on 19 December 2012 at a regular meeting of the Menominee Township Board and will become effective on 30 January 2013.

Section 7. Certification. A Motion to adopt the Menominee Township Fire Run Charges (Cost Recovery) Ordinance Number 12-19-12-02 made on 19 December 2012 at a regular meeting of the Menominee Township Board was;

Offered by: David Wesoloski

Supported by: Larry Barker

Role call Vote: 4 Aye 1 Nay

I hereby certify that the foregoing constitutes a true complete copy of an Ordinance duly adopted by the Township Board of Menominee Township to be filed with the County Clerk's Office, Menominee County, Michigan. Attested by:

signed

MICHAEL ARMBRUST
MENOMINEE TOWNSHIP CLERK

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED Township Clerk of the Township of Menominee, do hereby certify that on 2 January 13, a complete copy of the foregoing Ordinance was duly published in the Eagle Herald and County Journal, newspapers having general circulation within said township.

signed

MICHAEL ARMBRUST
MENOMINEE TOWNSHIP CLERK