

GARFIELD TOWNSHIP ORDINANCE: 2013-001

FIRE AND RESCUE CHARGES

An ordinance to establish cost recovery charges and exemptions for the fire department and other emergency services under Public Act 33 of 1951, as amended (MCL41.806 et seq) and to provide methods for collecting those charges. THE TOWNSHIP OF GARFIELD, KALKASKA 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 fire department protection and other emergency services provided by the Township. It is the further purpose of the ordinance to provide additional funding to the Fire Department, supplemental to the current millage.

Section 2: Definitions

Rescue- to free or deliver from confinement or danger

Extrication- to free or release from entanglement (by means or the Jaws of Life)

Grass fire- Fire outside that burns land and is the result of out of control fire from burning, with or without a permit.

Vehicle fire- A fire in any motorized vehicle or towable structure, including, but not limited to: Cars, trucks, boats, tractors, utility vehicles, motorcycles, ATV's, snowmobiles, campers.

House fire- fire in a single or multi family home or its out-buildings, including, but not limited to: House, mobile home, apartment building, garage, barn, shed.

Vehicle accident- An accident involving any motorized vehicle, including, but not limited to: Cars, trucks, tractors, utility vehicles, motorcycles, ATV's, snowmobiles, whether you are at fault or not. Rescue or extrication charges will be applied if applicable.

Illegal Burn- Any open burning that violates the Natural Resources and Environmental Protection Act (Act 451 of 1994) and associated rules. The act includes: Air Pollution Control - Part 55, Solid Waste Management - Part 115, Forest Fire Prevention - Part 515."and Public Act 102 of 2012or burning without a permit.

Section 3: Cost Recovery Charges

The following charges are due and payable to the Garfield Township Fire Department of Kalkaska County, from a recipient of any of the following services. Charges will be based on a time per hour for firefighters, equipment, trucks and fair market value of material used.

- A. Grass Fire
- B. Vehicle Fire
- C. House Fire
- D. Commercial Fire
- E. Industrial Fire
- F. Aircraft Accident
- G. Vehicle Accident
- H. Rescue
- I. Extrication
- J. Downed Power Line
- K. False Alarm
- L. Administration fee
- M. Illegal Burn

Other expenses incurred by the Garfield Township Fire Department in responding to the hazardous materials incident, including but not limited to, any local, state or federal fees, disposal fees, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, the replacement costs related to Personal Protective Equipment, extinguishing agents, supplies, meals and refreshments for personnel.

Section 4: Terms of Payment

All foregoing charges are due and payable within 45 days from the date of service.

Section 5: Exemptions

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

Fire involving Township buildings, grounds and/or property

Accident involving a Township vehicle

Fire or other emergency services performed outside the jurisdiction of the Township, unless that 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 6: Charges

Charges for the fire protection and other emergency services shall be made to the owners of the personal or real property to which the services are rendered, per incident, and not to the persons benefitted by the services. Charges for emergency services shall be based on a fee schedule adopted by resolution of the Township Board. Where more than one property or person involved or where more than one person owns an individual property, all persons to whom the services are rendered shall be jointly and severally liable for the charges. The Township Board is hereby granted the right to increase or decrease charges for fire protection and emergency services and to establish just and reasonable rates for these services from time to time, hereafter, by resolution. And such adjustments shall not require a formal amendment to this ordinance. The Township Clerk shall deliver, or cause to be delivered, statements to the person or owners liable. Delivery will be done by postal mail to the last known address. A statement shall be conclusively presumed delivered as of the date it is delivered to the United States Postal Service. The Clerk is authorized to divide the charges among the persons or owner in equal pro-rata shares or submit a statement as a single, joint, several or joint and several liability to all persons and owners involved. Charges shall be collected only from the real property owners, recipients of the services or their insurance companies. Individuals or owners obtaining benefits shall be responsible for obtaining payment from their insurance company.

Section 7: Collection of Charges

In the event of default of payment in full for more than forty-five (45) days, the Township Board may pursue collection of the delinquent account(s). Costs of collection shall be paid by the debtor.

Section 8: Non-Exclusive Charges

The foregoing rates and charges are not the only charges that may be made by the Township for the cost 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 to

establish under the 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 9: Mutual Aid Provisions

Garfield Township shall develop a written mutual aid agreement with as many adjoining or nearby townships as possible to facilitate billing and collection of charges.

Section 10: Severability

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

Section 11: Appeals

Any person may appeal any statement of charges by filing a written appeal. The appeal shall be filed and received by the Township Clerk within twenty (20) days after the delivery of the original statement. The Township Board shall notify the person or representative making the appeal of the time, date and place of a hearing on the appeal. The person making the appeal may appear in person, or through a representative. The appeal shall be determined by the Township board to waive or reduce charges:

1. Where there is unnecessary hardship or undue economic burden on the persons or owners liable for the charges
2. Where the rendering of services was made in error at the request of a person or persons other than those liable for the charges and there was no benefit given or received from the services.
3. Where there are other extenuating circumstances beyond the control of the persons liable and there was no benefit given or received from the services.
4. No appeal may be taken to the Township Board after the Township has filed collection proceedings in District Court.

The decision of the Township Board shall be in writing and shall be final.

Section 12: Effective Date

This ordinance shall take effect immediately. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE IS DECLARED ADOPTED ON FEBRUARY 14, 2013, BY VOTE OF THE EXECUTIVE BOARD OF GARFIELD TOWNSHIP.

Juanita Persons, Garfield Township Clerk

4 yeas, 0 nays, 1 absent

ORDINANCE DECLARED ADOPTED

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Juanita Persons, the duly elected Clerk of the Township of Garfield, Kalkaska County, MI, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Garfield on February 14, 2013. That said meeting was conducted, a 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 the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify and the forgoing ordinance was published on March 6, 2013 in The Leader and Kalkaskian, a newspaper circulated in the Township of Garfield.

Juanita Persons

Clerk for Garfield Township

THIS ORDINANCE IS AMENDED ON OCTOBER 8, 2015 BY A VOTE OF 5 -AYES AND 0 -NO

CERTIFICATE OF AMENDMENT AND PUBLICATION

I, Juanita Persons, the duly elected Clerk of the Township of Garfield, Kalkaska County, MI, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Garfield on October 8, 2015. That said meeting was conducted, a 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 the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify and the amendments were published on November 5, 2015 in The Kalkaska Review, a newspaper circulated in the Township of Garfield.

THIS ORDINANCE IS AMENDED ON DECEMBER 12, 2019 BY A VOTE OF 5 -AYES AND 0 -NO

CERTIFICATE OF AMENDMENT AND PUBLICATION

I, Juanita Persons, the duly elected Clerk of the Township of Garfield, Kalkaska County, MI, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Garfield on December 12, 2019. That said meeting was conducted, a 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 the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify and the amendments were published on January 9, 2020 in The Kalkaska Review, a newspaper circulated in the Township of Garfield.