

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES AND EXEMPTIONS

THE TOWNSHIP OF HEMATITE, IRON COUNTY, MICHIGAN ORDAINS:

**SECTION ONE
PURPOSE**

The within ordinance is adopted for the purpose of providing financial assistance to the township in the operation of a fire department from those receiving direct benefits from the fire protection service; to provide for full funding of the fire department operation 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 a township fire department and its availability to extinguish fires with the township and perform other emergency services.

**SECTION TWO
CHARGES**

The following minimum charges shall hereafter be due and payable to the township from a recipient of any of the following enumerated services from the township fire department.

- A. Grass fire \$250.00
- B. Rubbish fire \$250.00
- C. Automobile fire \$250.00
- D. House fire \$250.00
- E. Fire in a commercial establishment \$450.00
- F. Fire in an industrial or manufacturing establishment \$450.00
- G. Fire in a multiple-family building \$450.00
- H. Hotel or motel fire \$450.00
- I. Aircraft fire \$450.00
- J. Train fire \$250.00

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

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

SECTION FIVE COLLECTION OF CHARGES

The township may proceed in court by civil suit to collect any monies remaining unpaid, may obtain recovery of all costs incurred in such proceedings, including, but not limited to, actual attorney fees incurred by the township, together with all other remedies provided for by law for the collection of said charges.

SECTION SIX NON-EXCLUSIVE CHARGE

The foregoing rates and charges shall not be exclusive of the charges that may by the township for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. 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 statues pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION SEVEN MULTIPLE PROPERTY PROTECTION

When a particular service rendered by the township fire department directly benefits more than one person or property, the owner of each property so benefitted and each person so benefitted where the 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 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.

- M. Emergency rescue service \$250.00
- N. Resuscitator service \$250.00
- O. False Alarms \$250.00
- P. Other services not specifically enumerated \$250.00

The foregoing minimum charges may be modified by resolution of the Township Board, provided such resolution becomes effective not less than 10 days after such resolution is adopted.

The recipient of a false alarm charge that has not had a previous false alarm charge within the last 36 months may petition, within 21 days of the mailing of the false alarm charge to the recipient, petition in writing the Township Board to request an abatement of the false alarm charge, either in part or whole.

The petition shall state all mitigating factual and/or legal circumstances that are alleged to be present and affirmatively state the relief requested. The determination of the Township Board on an abatement request is final and not subject to further hearing.

SECTION THREE TIME FOR PAYMENT

All the foregoing charges shall be due and payable within 90 days from the date the service is rendered and in default of payment shall be collectible through proceedings in a court of competent jurisdiction as a matured debt.


LATE PAYMENT PENALTY

- A. All charges that are beyond the payment due date shall bear a service charge at (10%) percent per month, compounding every month thereafter until paid.
- B. The township shall be entitled to collect from the consumer for the value of all reasonable costs, expenses and services incurred by the Township in the enforcement of the terms of **Ordinance No. 220A**. The cost, expenses and services to be collected from the consumer shall include, but are not limited to the actual expenses for actions undertaken on behalf of the Township and/or actual expenses for any actions undertaken on behalf of the Township by any attorney employed by the Township.

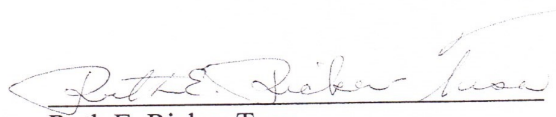
Should any provision or part of this ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

SECTION NINE EFFECTIVE DATE

This ordinance shall take effect on November 1, 2015. All ordinances or parts of ordinances in conflict herewith are hereby repealed.




Bruce Tusa
Township Supervisor



Ruth E. Ricker-Tusa
Township Clerk

I, Ruth E. Ricker-Tusa, Township Clerk for Hematite Township, certify that the above Ordinance Number 220A, is a true and complete copy of said ordinance adopted by the Hematite Township Board on December, 14th, 2015, at a meeting held in the Hematite Township Hall at 6:00 p.m. dated December 14th, 2015, and signed by Ruth E. Ricker-Tusa, Hematite Township Clerk. I further certify that the original of this ordinance has been inserted in the Hematite Township Ordinance Book on December 15th, 2015.



Ruth E. Ricker-Tusa
Township Clerk