

ORDINANCE NO. 15

**FIRE AND EMERGENCY
MEDICAL CHARGE ORDINANCE**

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES UNDER PUBLIC ACT 33 OF 1951, AS AMENDED, COMPILED LAWS 41.801 ETC.; TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES, APPEALS AND EXEMPTIONS THEREFROM; TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP INHABITANTS.

THE TOWNSHIP OF FREEDOM HEREBY ORDAINS:

Section 1. TITLE

This ordinance shall be known and cited as the Township of Freedom Fire and Medical Charge Ordinance.

Section 2. PURPOSE

The within Ordinance is adopted to provide financial reimbursement to the Township for the furnishing of fire protection and emergency medical services from those receiving direct benefits from such service; to provide for full funding of the fire protection and emergency medical services which remain in large part, and at large governmental expense based upon the general benefits derived by all persons within the Township from the availability of fire protection and emergency medical services to extinguish fires within the Township and perform other emergency services.

Section 3. CHARGES

Charges for fire protection and emergency medical services shall be made to the owners of the personal or real property to which the services are rendered per incident and 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 on property or person is involved or where there are more than one person who owns an individual property, all persons to whom the services are rendered and all owners of properties benefitted by such services 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 medical services and to establish just and reasonable rates for fire protection and emergency medical services from time to time hereafter by resolution. The Township Clerk shall deliver or cause to be delivered statements to the person and owners liable. Delivery may be done by regular mail to, the last

known address of the persons or owners liable and a statement shall be conclusively presumed delivered as of the date it is deposited into the United States mail addressed to such persons and owners. The Clerk is authorized to divided the statement among the persons or owners in equal pro-rata shares or some other fashion, or to submit a statement as a single joint, several and undivided liability to all persons and owners involved, in the discretion of the Clerk.

Section 4. TIME FOR PAYMENT

All of the foregoing charges shall be due and payable from the date of delivery of the statement for the services rendered and in default of payment shall be collectible through proceeding in the 14th District Court or any other Court of competent jurisdiction as a matured debt including the actual attorney fees and costs of collection. All statements are due sixty (60) days from delivery. After 60 days, unpaid statements shall bear interest at 12% per annum until paid. Any person making a "False Alarm" as defined in Section IV, A., is liable for the charges incurred.

Section 5. EXEMPTIONS

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

- a. False Alarm: which is defined as an incident where there was no cause for an alarm and the request for services was not initiated by any action or omission of the persons or owners, or their agents (including any alarm system provider), to whom the services are rendered.
- b. Fire protection services involving township owned building, grounds, and/or properties.

Section 6. APPEALS

Any person may appeal any statement of charges by filing a written appeal. The appeal shall be filed and received at the Township offices within twenty (20) days after delivery of a statement. The Township Board shall notify the person or representative making the appeal of a time, place and date of 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. The Township Board is authorized, in the discretion of the Township Board, to waive or reduce a statement of charges:

- a. Where there is unnecessary hardship or undue economic burden on the persons or owners liable for the charges.
- b. Where the rendition of service 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 by the services.

- c. Where there are other extenuating circumstances beyond the control of the persons liable and there was no benefit given or received by the services. The decision of the Township Board shall be in writing and shall be final.

Section 7. NON-EXCLUSIVE CHARGE

The rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of providing fire protection and emergency medical, 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 special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

Section 8. SEVERABILITY

Should any provision or part of the within 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 9. EFFECTIVE DATE

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

YEAS:

NAYS:

ABSENT:

ORDINANCE DECLARED ADOPTED ON DECEMBER 9,1997.

Robert Little
Township Supervisor for the
Township of Freedom

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julie A. Schaible, the duly elected Clerk of the Township of Freedom certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Freedom on December 9, 1997 and published in the _____, a newspaper circulated in the Township of Freedom on _____.

Julie A. Schaible
Township Clerk for the
Township of Freedom

GENERAL AID FEES

Brush Fire (Grass/Wood/Rubbish/crop Fire)	\$750.00
C02 Alarm	\$750.00
Fire Alarm	\$750.00
Hazardous Material	\$750.00 + addt'l costs
Medical	\$750.00
P.I. Accident	\$750.00
P.I. Road Closure	\$0
P.I. Haz-Mat Spill	\$750.00
Structure Fire (Commercial)	\$750.00
Structure Fire (Farm)	\$750.00
Structure Fire (Residence)	\$750.00
System Alarm	\$750.00
Vehicle Fire (Auto/Truck/Aircraft/Farm)	\$750.00
Vehicle Fire (Haz Mat)	\$750.00 + addt'l costs