

GARFIELD TOWNSHIP BOARD OF TRUSTEES

ORDINANCE NO. 20

FIRE AND EMERGENCY SERVICE FEES ORDINANCE

THE TOWNSHIP OF GARFIELD ORDAINS:

Section 1. Purpose. This Ordinance is adopted pursuant to the Township Ordinance Act, MCL 41.181 *et seq.*, as amended and Public Act 102 of 1990, MCL 41.806a, as amended, to enable Garfield Township (hereinafter the “Township”) to assess and collect fees for fire and emergency services rendered by the Township or on its behalf for the direct benefit of a person who is not a resident of the Township. The purpose of assessing and collecting such fees is to defray the costs of such services.

Section 2. Rules and Definitions. As used in this Ordinance, the following terms have the following meanings:

- (A) “Fees” and “Charges” mean the same thing. Each means the costs and expenses for providing fire or emergency services to a person who is not a Resident of the Township; or which is a utility as outlined in Section 6 of this Ordinance.
- (B) “Person” means any individual, firm, organization, corporation, partnership, or any other entity.
- (C) “Resident” means a person that owns real property in the Township that is subject to real property taxation or a person who makes payments in lieu of taxes for the property at the time when fire or emergency services are rendered.
- (D) “Township” means the Township of Garfield, Bay County, Michigan.

Section 3. Title. This Ordinance is to be known and may be cited as the “Garfield Township Fire and Emergency Services Fees Ordinance.”

Section 4. Services Covered. The Township may assess and collect Fees for fire or emergency services (collectively “Services”) when provided by the Township or on its behalf for the direct benefit of a person who is not a resident of the Township at the time the Services are provided or a utility company operating within the Township as per Section 6 of this Ordinance. This includes, but is not limited to, charging for the following Services:

- (A) Accidents involving any vehicle, including those that transport goods and people, such as buses, aircraft, and trucks.
- (B) Vehicle and structure fires (both accidental and arson).
- (C) Marine/boat rescues.

- (D) Non-injury vehicle accidents.
- (E) PDA incidents (property damage accidents).
- (F) PI accidents (personal injury).
- (G) Recovery of stolen vehicles and properties.
- (H) Safety investigations.
- (I) Traffic obstructions caused by vehicles where the Township Fire Department provides traffic control.
- (J) Securing, controlling, and monitoring of any hazardous condition created by any disruption or damage to utilities (including but not limited to damage utility lines; and to utility distribution property and equipment).
- (K) Extinguishing, controlling, and monitoring of any fire, including an "out of control" or unauthorized fire.
- (L) Any other request for fire or emergency service within the Township.

Section 5. Amounts Established by Resolution.

- (A) The amount of the Fees that the Township may charge for providing the Services must in accordance with the fee schedule adopted by the Township Board. The Township Board must adopt a fee schedule by resolution setting the charges collectible under this Ordinance. The Township Board may modify the fee schedule from time to time by resolution of the Township Board, as it deems appropriate. The approved fee schedule must be available at the office of the Township Clerk for inspection by the public during the Township's Clerk's regular office hours.
- (B) The Township, through an elected official, agent, or employee, may proceed in small claims court or through its attorneys in any court having jurisdiction, or through a collection bureau to collect any Service Charges remaining unpaid 30 days after the date of billing. For any amounts that remain unpaid 60 days after the date of billing, the Township may impose a late charge of 1.5% per month on the balance then due, plus court costs and collection expenses, including attorney fees. The Township may also pursue and has other remedies provided for by law to collect those Charges.

Section 6. Utility Company cost recovery. If an emergency response results from an actual hazard or possible hazard created by the operation, maintenance, or actions of (a) an utility company (private or public); or (b) the agents, employees, or representatives of a utility company that operates within the Township, the utility company must reimburse the Township for the Fees for those emergency response Services when provided by the Township or on its behalf.

The decision to render such Services, and to provide personnel or equipment in connection with those Services, must be based on either the request of the utility, a township Resident, or upon the sole and exclusive but reasonable discretion of Township officials.

Section 7. Multiple Protection or Aid. When Services rendered by the Township or on its behalf benefit more than one person, each person who is not a resident is liable for the payment of the full fees for such Service. For purposes of this Ordinance only, the person to whom a motor vehicle is registered (as opposed to all occupants) is considered the beneficiary of the Services involving a motor vehicle. For purposes of this Ordinance only, all occupants of a single or multiple family dwelling or the owner of any commercial building (as opposed to all tenants or employees), is considered the beneficiary of the Services, such that other individuals are not separately billed.

The interpretation and application of this Section is delegated to the Township Clerk, subject only to written appeal to the Township Board, within the deadline for payment, and must be administered so that charges are collected from persons who are not residents of the Township.

Section 8. Collection of Fees. The Township must deliver a statement of Fees due to the person the Services benefitted by first-class mail, e-mail, facsimile, or hand delivery within 90 days after the Services are rendered. All fees are due within 30 days after the date of the statement. Fees that are not timely paid are collectible through proceedings in any matter allowed by this Ordinance or under the law as a matured debt. The Township reserves all remedies provided by law and equity to collect fees.

Section 9: Non-Exclusive Charge. The Fees authorized by this Ordinance are not the only charges that the Township may make to recoup the costs 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 established under the applicable 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 10. Validity and Severability. If any part of this Ordinance is ruled invalid for any reason, that ruling does not affect the validity of the remaining parts of this Ordinance.

Section 11. Repealer Clause. Any ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 12: Effective Date. This ordinance becomes effective the day immediately after it or a proper summary of it is published in a newspaper of general circulation in the Township.