

**OTSEGO LAKE TOWNSHIP ORDINANCE NO. 1991-02**  
**FIRE CHARGES ORDINANCE**

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES UNDER MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (COMPILED LAW 41.801 etc.) AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES AND EXEMPTIONS THEREFROM.

THE TOWNSHIP OF OTSEGO LAKE, OTSEGO COUNTY, MICHIGAN ORDAINS:

Section 1: 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 and other emergency services. It is the further purpose of the within Ordinance to provide for partial 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 within the Township and perform other emergency services.

Section 2: CHARGES

The following charges shall hereafter be due and payable to the Township from the driver or owner of each vehicle, as noted in Section 2.A, involved in an accident receiving any of the following enumerated services from the Township Fire Department: There shall be a charge of:

- A. Seven hundred fifty \$750.00 dollars for up to the first two hours of each Fire Department response within Otsego Lake Township involving an automobile, aircraft, train, truck, trailer, boat, motorcycle, snowmobile, ATV, or other type of vehicle or equipment not affixed to real estate or incorporated into a dwelling house. An additional fee of two hundred fifty (\$250.00) dollars per hour (or part thereof) will apply and be made for each call that exceeds two hours;
- B. A sum equal to the Township's cost of all foam or other chemicals used by the Township Fire Department in containing, controlling or suppressing any fire within Otsego Lake Township;
- C. A sum equal to the Township's actual cost of hiring any private contractor and/or use of the contractor's equipment when the use of such contractor and/or its equipment is reasonably necessary or desirable, in the opinion of the Fire Chief or Acting Fire Chief, to contain, control or suppress any fire and its consequences within Otsego Lake Township;

- D. Seven hundred fifty (\$750.00) dollars for each Fire Department response to the fourth and each subsequent false alarm at the same address or location within any calendar year, where such false fire alarm originates from mechanical and/or electronic fire alarm devices;
- E. Five hundred (\$500.00) dollars for each response made by the Fire Department within Otsego Lake Township using the Jaws of Life; and
- F. Fire Department response within Otsego Lake Township involving hazardous materials will be billed by the Township under the Superfund Amendment and Reauthorization Act.

### Section 3: TIME FOR PAYMENT OF CHARGES

All of the foregoing charges shall be due and payable within 30 days from the date the service is rendered and in default of payment shall be collectible through proceedings in district court or in any other court of competent jurisdiction as an account stated.

### Section 4: EXEMPTIONS

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

- A. False alarms; except as otherwise provided in Section 2(D), above;
- B. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies.
- C. Fires involving township buildings, grounds and/or property;
- D. Fire service performed outside the jurisdiction of the township under a mutual aid contract with an adjoining municipality.
- E. Structure or building fires, except as otherwise provided in Section 2(B) and 2(C), above.

### Section 5: COLLECTION OF CHARGES

The Township may proceed in district court, or in any other court of competent jurisdiction, by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

### Section 6: NON-EXCLUSIVE CHARGE

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a fire department, but shall only be supplement 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

statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

#### Section 7: APPEALS

A. While it is the purpose of this ordinance that the charges provided for herein are to generally be imposed and collected, any person who feels aggrieved in regard to such charges may appeal the same to the Township Board by filing a written appeal with the Township Clerk for review within thirty (30) days after receiving notice of the charges. The appeal shall include the name of the party billed, the date of the incident, a copy of the police report, the amount billed, and the reasons to justify a reduction or waiver of the amount of the bill. The Township Board shall have 60 days, after receipt of the written request, to hold a public hearing and make a determination on the appeal. At a minimum, the Township Board shall review the following criteria for every appeal; Are there demonstrated practical difficulties in paying the amount billed; Are there unique circumstances that cause the charge to be unreasonable and that are not within the control of the party making the appeal.

#### Section 8: SEVERABILITY

Should any provision or part of the within ordinance be declared by any 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 on the date of 30<sup>th</sup> day of June, 2010. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### Section 10: ADOPTION

This ordinance is hereby declared to have been adopted by the Township Board of the Township of Otsego Lake, Otsego County, Michigan at a regular meeting thereof duly called and held on the 17th day of June, 2010, and ordered to be given publication in the manner prescribed by law.

Ayes: 5

Nays: 0

STATE OF MICHIGAN)  
COUNTY OF OTSEGO )

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Otsego Lake, Otsego County, Michigan, do hereby certify that the foregoing is a true and complete copy of the proceedings taken by the Township Board of the said Township, at a regular meeting held on the 17<sup>th</sup> day of June, 2010, the original of which is on file in m office.

IN WITNESS THEREOF, I have hereto affixed my official signature this 17<sup>th</sup> day of June, 2010.

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LORRAINE A MARKOVICH, Township Clerk

Adopted: June 17, 2010  
Effective: June 30, 2010