

90.000

CHARGES FOR FIRE DEPARTMENT SERVICES

ADOPTED; MARCH 10, 1992

AMENDED; JUNE 9, 1998

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 there from.

THE TOWNSHIP OF PORTER, CASS COUNTY, MICHIGAN ORDAINS:

90.001 Purpose. The within ordinance is adopted for the purpose of providing financial assistance in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of within ordinance 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 within the Township and perform other emergency services.

90.002 CHARGES The charges following shall hereafter be due and payable to the Township from a recipient of any of the following enumerated services from the Township Fire Department, in accordance with the schedule of fees adopted by the Porter Township Board. (Amended 8/9/2006)

90.003 TIME PAYMENT FOR RUN 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 court of competent jurisdiction as a matured debt.

90.004 EXEMPTIONS The following properties and services shall be exempt from the foregoing charges.

- (A) False Alarms
- (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.
- (D) Other services by Township Board approval.

90.005 COLLECTION OF CHARGES. The Township may proceed in District Court 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.

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

- 90.007** **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 benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service herein-before outlined. The interpretation and application of the within section is hereby delegated to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.
- 90.008** **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 effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.
- 90.009** **DEPARTMENTS INVOLVED** These fees shall be applicable to the Porter Township Fire Department and/or contracted service provider.
- 90.010** **EFFECTIVE DATE** This Ordinance shall take effect upon publication. All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.