

BURR OAK TOWNSHIP ORDINANCE NO 2006-2

FIRE CHARGES ORDINANCE

Adopted: 10/02/06

Effective: _____

An ordinance to establish charges for fire department services under Public Act 33 of 1951, as amended (MCL 41.801, et, seq.) and to provide methods for the collection of such charges and exemptions there from.

THE TOWNSHIP OF BURR OAK

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as the Burr Oak Township Fire Charges Ordinance.

Section II

PURPOSE

This ordinance is adopted for the purpose of providing financial assistance to the Township in the operation of the Burr Oak Community Fire Department (the "Fire Department") from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide for full funding of the fire department operation which remains, in part, and at-large governmental expense based upon the general benefits derived by all property owners within the Township from the existence of the Fire Department and its availability to extinguish fires within the Township and perform other emergency services.

SECTION III

CHARGES FOR DEPARTMENT SERVICES

The Township Board shall by resolution establish a schedule of charges for the following services of the Fire Department.

- A. Grass or forest fire.
- B. Rubbish fire.
- C. Automobile or truck fire.
- D. House and /or other building fire.

- E. Fire in a commercial establishment.
- F. Fire in an industrial establishment.
- G. Fire in a multiple-family building.
- H. Emergency rescue service.
- I. Others services not specifically mentioned.

When adopted by the Township Board, the schedule of charges shall be and are hereby incorporated herein. Said schedule and the exemptions from said charges as set forth in Section V of this ordinance may be changed from time to time by resolution of the Township Board and such changes shall not require a formal amendment of this ordinance.

SECTION IV

TIME FOR PAYMENT

The charges established by resolution of the Township Board pursuant to this ordinance 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.

SECTION V

EXEMPTIONS

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

- A. False alarms.
- B. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies.
- C. Fire 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.

SECTION VI

COLLECTION OF CHARGES

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

SECTION VII

NON-EXCLUSIVE CLAUSE

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expense of maintaining the 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.

SECTION VIII

MULTIPLE PROPERTY PROTECTION

When a particular service rendered by the 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 charges for such service. The interpretation and application of the within section is hereby delegated to the Fire Chief of the Fire Department 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.

SECTION IX

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION X

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XI

EFFECTIVE DATE

This ordinance shall take effect immediately,

The foregoing ordinance was offered by Keith Leverage and supported by Kent Lancaster, the vote being as follows:

YEAS: Keith Leverage, K. Lancaster, M. Gould, Tina Cronkhite

NAYS: None

ABSENT: George Letts

Ordinance declared adopted.

Tina N. Cronkhite, Township Clerk

I hereby certify that this is a true copy of an ordinance adopted at a regular meeting of the Burr Oak Township Board held on October 2, 2006. I further certify that a summary of this ordinance was published in the Sturgis Journal, Sturgis, Michigan on _____, 2006 and _____, 2006, and a certified copy was filed with the St. Joseph County Clerk's office on _____, 2006