

Ordinance 1980-1
Ely Township Fire Charges Ordinance

An Ordinance to establish charges for fire services under Michigan Public Act 33 of 1951, as amended (Compiled Law 41, 801 etc.), and to provide methods for collection of such charges and exemptions therefrom.

Township of Ely, Marquette County, Michigan ordains:

Section 1. Purpose. The within Ordinance is adopted for the purpose of providing financial assistance to the Township from those receiving direct benefits from the fire protection service. It is the further purpose of within Ordinance to provide for funding, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township from the existence of fire services and the availability to extinguish fires within the Township.

Section 2. Charges. The following charges shall hereafter be due and payable to the Township from a recipient of any fire services: A full cost on all calls.

Section 3. Time for Payment for Run. All of the foregoing charges shall be due and payable within 30 days from the date of billing for the service and in default of payment shall be collectible through proceedings in district court or in any other court of competent jurisdiction as a matured debt.

Section 4. Exemptions.

- A. False Alarms
- 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. The Township reserves the right to waive any or all charges on fire calls. The waiver shall be judged on an individual basis and each waiver shall not be precedent setting.

Section 5. Lien Rights. Where land or other property of value remains following a fire call, the Township shall hereby have a lien upon the same to secure payment of the foregoing rates and charges due to the Township resulting from such fire protection service. Such lien shall remain upon the property until the charges have been paid in full.

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 fire protection, 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 additional costs and expenses.

Section 7. Multiple Property Protection. Where a particular service rendered by the Township 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 hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Fire Chief 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 8. Severability. Should any provision or part of the within Ordinance be declared by any court or 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 Ordinances in conflict herewith are hereby repealed.

Adopted: November 19, 1980

This Ordinance duly adopted November 19, 1980, at a regular meeting of the Ely Township Board and will become effective November 19, 1980.