

Ordinance No. 1986-2
Fire Protection Service Ordinance

An Ordinance to establish charges for Fire Protection Services pursuant to the provisions of Act. No. 33, Public Acts of 1951, as amended, being MSA 5.2640 (1)-(10) as amended, and to provide methods for the collection of such charges and exemptions therefrom, and to repeal all other ordinances or portion thereof inconsistent with the terms hereof.

The Township of Ely, Marquette County, Michigan, ordains:

Section 1. Purpose.

This Ordinance is adopted for the purpose of providing a means for the Township of Ely to recover the costs incurred by it for fire protection services from those users receiving direct benefits from such fire protection services, thereby providing partial funding for an at large governmental expense from those who derive direct benefit from such service. It is further the purpose of this Ordinance to repeal any and all other Ordinances, or portions thereof, which are inconsistent with the provisions of this Ordinance.

Section 2. Charges for Fire Protection Service.

The following charges shall hereafter be due and payable to the Township of Ely from a recipient of fire protection services provided, either directly or by contract, by said Township of Ely;

- A. \$100 per hour for each fire truck responding to a fire call;
 - 1. There shall be a minimum charge of one hour for each truck responding to a call;
 - 2. After the first hour, time shall be computed in quarter hour increments;
 - 3. Time shall be computed from the departure of each such fire truck from the Ishpeming Township Fire Hall until the return of each such fire truck to the Ishpeming Township Fire Hall;and,
- B. \$10 per fireman responding at the Ishpeming Township Fire Hall to a fire call, whether or not each such fireman actually responds at the scene of the fire.

Section 3. Exemptions.

The rates and charges described in Section 2 above shall not be applicable to the following circumstances:

- A. False alarms;
- B. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies; and,

C. Fires involving buildings, ground, and/or property owned by the Township of Ely.

Section 4. Multiple Property Protection.

Where a particular fire protection service provided by the Township of Ely directly benefits more than one person or property, the owner of each such property so benefited, and each such person so benefited where property protection is not involved shall be jointly and severally liable for the payment of the full charges for such fire protection service as are described in Section 2. In the event of a dispute as to whether a particular person and/or property did in fact received any benefit from such fire protection services, such dispute shall, in the first instance be resolved by the Ely Township Board, and shall be based upon such testimony and other evidence as may be presented to it by the alleged beneficiaries and by representatives of the responding fire department.

Section 5. Non-Exclusive Charge.

The rates and charges described in Section 2 shall not be deemed to be the only charges which may be made by the Township of Ely for the costs and expenses of providing fire protection services to persons and property within its geographical boundaries, but shall only be supplemental thereto. Revenue for such purposes may additionally be collected by the Township of Ely through general taxation following a vote of the electorate approving the same, or by special assessment levied pursuant to the provisions of Michigan law, General fund special assessment levied pursuant to the provisions of Michigan law. General fund appropriations may also be made and expended in order to meet additional costs and expenses.

Section 6. Time for Payment; Collection of Charges

All of the rates and charges described in Section 2 of this Ordinance shall be due and payable within 30 days from the date of billing for such service. Any such charges which are not paid within 90 days from the date of billing shall be for be deemed to be in default, and the Township of Ely may immediately thereafter initiate proceedings in the District Court for Marquette County, Michigan, or in any other court of competent jurisdiction for the collection thereof, and may utilize and other method available to it, either at law or in equity, for the collection of such charges.

Section 7. Severability.

Should any provision or part of this Ordinance be declared by any Court of any competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this Ordinance, which shall remain in full force and effect.

Section 8. Repeal.

Ordinance 1981-1, entitled “Ely Township Fire Charges”, as adopted November 19, 1980, and any and all amendments thereto, shall be, and the same hereby are, repealed, this repeal to be effective as of the effective date of this Ordinance.

Section 9. Publication; Effective Date.

This Ordinance shall be published once in the Marquette Mining Journal, a newspaper of general circulation in the Township, within 30 days following its adoption, and shall be come effective upon the day following the date of such publication.

Adopted: June 19, 1986

Published: June 27, 1986

Effective: June 28, 1986

Kenneth A. Tuominen
Ely Township Supervisor

Elise Petro
Ely Township Clerk