

Ordinance No. 1991-1
Fire Service Charge Ordinance

An Ordinance to establish charges for fire department services under Michigan Public Ac 102 of 1990, and to provide methods for the collection of such charges and exemptions therefrom.

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

Section 1: Purpose.

This Ordinance is adopted for the purpose of providing financial assistance to the Township of Ely from those receiving direct benefits from its contracted fire protection service, who do not otherwise provide financial support for said service through the payment of ad valorem taxes.

Section 2: Definitions.

For purposes of this Ordinance, the following terms shall have the following described meanings:

A. "Contracted Fire Department" shall mean the Fire Department of any municipality which provides fire protection services to the Township of Ely pursuant to a contractual agreement between that municipality and the Township of Ely;

B. "Township" shall, unless otherwise indicated, mean the Township of Ely.

Section 3: Charges.

For each occasion that the Contracted Fire Department responds to a call to the scene of a motor vehicle accident within the Township which involves one or more motor vehicles owned by an individual or entity which does not pay ad valorem property taxes to the Township, whether for the purpose of extinguishing an active fire, or for the purpose of taking preventative or precautionary measures to avoid the outbreak of a fire, the owner of said motor vehicle, or the owner and operator of said motor vehicle, if neither said owner or said operator pay ad valorem property taxes to the Township, shall be obligated to reimburse the Township for the actual costs incurred by the Township by reason of the response of the Contracted Fire Department to such call. The reimbursement obligation hereinabove described shall be subject to the following terms and provisions:

A. The reimbursement obligation hereinabove described shall be enforceable against either the owner or the operator of such a motor vehicle, or both of them, if there existed, at the time of such motor vehicle accident, a reasonable basis to believe that the services of the Contracted Fire Department were necessary for the protection of persons and/or property, regardless of whether

the Contracted Fire Department was summoned by the owners or operator of the motor vehicle, a duly designated policy agency, or any other individual.

B. The reimbursement obligation hereinabove described shall exist regardless of the degree of fault for said accident attributed to the owner or operator of the motor vehicles involved.

Section 4: Billing and Time for Payment.

The Township shall, not more than thirty (30) days following the rendering of service by the Contracted Fire Department, submit to the owner and/or operator of the motor vehicle a statement for the same amount as the Township was billed by the Contracted Fire Department for its response to said motor vehicle accident. Said statement shall be due and payable to the Township within thirty (30) days from the date it is rendered by the Township, and, in default of such payment, shall be collectible through proceedings in District Court or in any other court of competent jurisdiction.

Section 5: Multiple Property Protection.

When a particular service rendered by the Contracted Fire Department directly benefits more than one person or property, the costs of such service may be pro-rated among those persons or properties. The interpretation and application of this Section is hereby delegated to the Township Supervisor, subject only to appeal, within the time limit as is applicable to payment of said charges, to the Township Board, and shall be administered so that charges shall only be collected from those recipients of such services who do not pay ad valorem property taxes to the Township.

Section 6: Exemptions.

The owners or operators of motor vehicles involved in accidents who pay ad valorem property taxes to the Township shall be exempt from reimbursement obligations specified in this Ordinance.

Section 7: Severability.

Should any provision or part of this 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 8: Effective Date.

This Ordinance shall be published, in accordance with law, within thirty (30) days following its adoption and shall become effective on April 25, 1991. Adopted this sixteenth day of April, 1991.

Kenneth Tuominen
Supervisor

David J. Bleau
Township Clerk

Yeas: 5
Nays: 0

Adopted: April 16, 1991

Published: April 25, 1991

Effective: April 25, 1991

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Ely, County of Marquette, State of Michigan, at a regular meeting held on April 16, 1991, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by Publication or posting at least 12 hours prior to the time set for the meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

David J. Bleau
Township Clerk