

FORSYTH TOWNSHIP, MARQUETTE COUNTY, MICHIGAN

FIRE FEES ORDINANCE

Ordinance No. 1-2019

An Ordinance to protect the public health, safety, and general welfare by establishing and collecting fees for fire services rendered to property and persons within Forsyth Township; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF FORSYTH ORDAINS:

Section 1. Title: This Ordinance is to be known and cited as the Forsyth Township Fire Fees Ordinance.

Section 2. Purpose and Preamble. The purpose of this Ordinance is to provide partial financing of activities of the Forsyth Township Fire Department from individuals and entities who receive a direct benefit from fire protection services. The Township will use all monetary compensation under the Fire Fees Ordinance to support the operations of the Township Fire Department. The Township is authorized by MCL 41.181, as amended, to adopt ordinances regulating the public health, safety, and general welfare of persons and property, and to provide for penalties for violating ordinances such as this Ordinance. The Township is also authorized by MCL 41.806a, as amended, to establish and collect fees for providing fire protection services within the Township.

Section 3. Fees for Fire Services.

- A. Authority to Charge. The Township is hereby authorized to charge all persons or entities who directly receive a benefit from the fire services described below, provided that such services were rendered within the boundaries of the Township.
- B. Services for Which Fees Are Due. The Township may collect fees for fire services provided by the Fire Department. The fire services to be covered and the actual amount of the fees shall be established by resolution of the Township Board from time to time. The fees shall be due and payable to the Township as stated within the Township Board's resolution, which may specify fees for services such as, but not limited to: fire inspection services, false alarms, grass fires, rubbish fires, illegal burning, vehicle fires and responses, vehicle extrications, house fires, chimney fires, fires in commercial establishments, fires in industrial or manufacturing establishments, hotel and motel fires, aircraft fires, train fires, truck fires, forest fires, emergency rescue responses, water rescue responses, standby fire services for special events, and other services or responses as may be specifically enumerated in the resolution and not expressly exempted or excluded under this Ordinance. Categories of costs may also

be established in the resolution for services based on geographic location and resident or taxpayer status of the benefiting party or parties.

- C. Amount of Fees. The Township may recover a fee in an amount established by the Township Board by resolution to recover the cost of providing such fire services within the Township. The Township Board will review the established fees from time to time and revise them as necessary by resolution to recover the reasonable costs related to each of the above services.

Section 4. Payment of Fees. All fees established by resolution under this Ordinance are due and payable within 30 days from the date the fees are billed. If a person is in default of payment, the Township may collect the fees due as provided in this Ordinance.

Section 5. Exemptions. The following properties and services are exempt from fire service fees set by resolution under this Ordinance:

- A. Not more than one false alarm within 365 days at any single location; and
- B. Fire services performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining municipality.

Section 6. Collecting Fees. The Township Board delegates the authority and responsibility for billing and collecting fees under this Ordinance to the Township Clerk. The Township may proceed in a court of proper jurisdiction to collect unpaid amounts, as well as pursue any and all other remedies provided by law to collect those fees. The Township Board reserves the right to waive fees under this Ordinances in cases of hardship or other circumstances the Township deems appropriate.

Section 7. Non-Exclusive Fees. The fees set by resolution pursuant to this Ordinance are not exclusive of any other charges, special assessments and taxes that the Township may charge to recover the costs and expenses of establishing, operating and maintaining the Fire Department; rather, the fees set hereunder are supplemental thereto. Additional costs may be recovered by the Township through general taxation or special assessments as provided by law. General Fund appropriations may also be made to cover fire service costs and expenses.

Section 8. Multiple Property Protection. When the Township Fire Department renders a service that directly benefits more than one person or property, the owner of each property and each person benefitted are jointly and severally liable for the payment of the full fire service fee(s) established by resolution. The Township delegates the authority to interpret and apply this section to the Township Fire Chief. The Fire Chief's decisions are final and subject only to written appeals submitted to the Township Board prior to the due date to pay fees provided under this Ordinance. This section shall be administered so that fees are only collected from the recipients of the service, the owners of property receiving services, or their respective insurance carriers.

Section 9. Severability. If any provision or part of this Ordinance is declared by any court of competent jurisdiction to be invalid or unenforceable, that declaration does not affect the validity or enforceability of the balance of this Ordinance and the balance of this Ordinance remains in full force and effect.

Section 10. Repealer. This Ordinance repeals all ordinances or parts of ordinances, as well as resolutions or parts of resolutions, in conflict herewith.

Section 11. Effective Date. This Ordinance will become effective the day after its notice of adoption is published in a local newspaper.

ADOPTED: January 24, 2019

YEAS: Treasurer Judith Roberts, Trustee Neil Armatti, Clerk Michelle Borrett, Supervisor Joseph Boogren, Trustee Chris Adams

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED January 24, 2019

Joe Boogren, Forsyth Township Supervisor

STATE OF MICHIGAN)
) ss.
COUNTY OF MARQUETTE)

I, the undersigned, the duly qualified and acting Clerk of Forsyth Township, Marquette County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Township Board on the 24th day of January, 2019. A Notice of Adoption was duly published in The Mining Journal newspaper, a newspaper that circulates within Forsyth Township, on January 29, 2019. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.

Michelle Borrett, Township Clerk