

Ordinance # 2020-01

An ordinance to establish cost-recovery charges and exemptions for fire department services under Public Act 33 of 1951, as amended (MCL 41.801, et seq.), and to provide methods for collecting those charges.

THE TOWNSHIP OF AUSTIN, MECOSTA COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

This ordinance is adopted to enable the Township to bill for and collect cost recovery fire charges on illegal burns from the fire protection and other emergency services provided by the Township. It is the further purpose of the ordinance to provide for full funding of the Township's fire protection and other emergency services which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township.

Section 2: Cost-Recovery Charges

The following charges are due and payable to the Township from a recipient of any of the following listed fire protection and other emergency services from the Township:

A. Any Illegal fire burns \$ 500

Section 3: Time for Payment for Run

All of the foregoing charges are due and payable within 30 days from the date the service is rendered and, in default of payment, are collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt.

Section 4: Exemptions

The following properties and services are 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 or other emergency service performed outside the jurisdiction of the Township, unless the township and the other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a.

Section 5: Collection of Charges

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

Section 6: Non-Exclusive Charge

The foregoing rates and charges are not the only charges that may be made by the Township for the costs and expenses of providing fire protection and other emergency services. 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 applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

Section 7: Severability

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

Section 8: Effective Date

This ordinance has immediate effect. All ordinances or parts of ordinances in conflict with this ordinance are repealed.