

## **FRANKLIN TOWNSHIP**

### **ORDINANCE NO. 103-12**

#### **FIRE CHARGES ORDINANCE**

An Ordinance to promote the public health, safety, and welfare of Franklin Township by establishing regulations relating to establishing and collecting charges for fire department services rendered to property and persons in the Township; to provide methods to collect those charges; to provide exemptions from those charges; and to repeal all ordinances or parts of ordinances that conflict with this Ordinance.

#### **THE TOWNSHIP OF FRANKLIN ORDAINS:**

##### **Section 1. Title**

This Ordinance is to be known and may be cited as the "Franklin Township Fire Charges Ordinance."

##### **Section 2. Purpose and Preamble**

The purpose of this Ordinance is to provide financial assistance to Franklin Township (the Township) regarding the Township's providing of fire protection services to its residents. The Township currently for fire protection services to be provided throughout the Township, and in doing so the Township incurs expenses for securing such service. That contractually secured fire protection service benefits all Township residents by ensuring the availability of fire protection services in the Township and enabling the resulting ability to extinguish fires within the Township.

The Township is authorized by Act 246 of the Public Acts of 1945, as amended (now MCL 41.181 *et seq.*) 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; 1951 Public Act 33, as amended (now MCL 41.806a) also authorizes the Township to establish and collect charges for providing fire protection services within the Township.

##### **Section 3. Charges for Fire Department Services**

- A. Authority to Charge. The Township is authorized to charge all persons or entities who directly receive the benefit of the fire protection services set forth in Section 3(B) of this Ordinance below as part of the Township's providing of fire protection services in the Township through City of Harrison Fire Department, provided that such services were rendered within the boundaries of the Township.
- B. Services for Which Charges May Be Levied. The Township may collect charges under this Ordinance for all instances in which the entity with which the Township contracts for

fire protection services provides fire protection services in the Township, including for these events:

1. Responding to a fire protection service need with a Fire Engine.
2. Responding to a fire protection service need with a Mini-Pumper Truck.
3. Responding to a fire protection service need with a Grass Rig or Grass Truck.
4. Responding to a fire protection service need with a Water Tank Rig.
5. Responding to a fire protection service need with a Squadron.
6. Responding to a fire protection scene with Jaws of Life equipment (whether used or not).

C. Amount of Charges. The Township may recover an appropriate fee (including late fees and related costs) in an amount established by the Township Board by resolution to recover the cost of providing such fire protection services within the Township. The Township Board must review the established rates from time to time and revise them as necessary to recover the reasonable expenses related to each of the above services.

D. Charges Where Permit Required. Where a fire is caused by actions that, under a Township ordinance, require a permit and no permit was obtained before the fire, all services enumerated in this section that are rendered as a result of that fire must be charged at twice the rate established for such services.

#### **Section 4. Exemptions**

The following are exempt from the charges set by this Ordinance:

- A. False alarms. However, if four false alarms occur at the same property within a 60-day period, all subsequent false alarms after that fourth fall alarm will be charged in accordance with this Ordinance and the then-effective fee schedule for the structure existing on the property for the next 12 months after the date of the fourth false alarm;
- B. Fires caused by railroad trains that are the specific statutory responsibility of a railroad company;
- C. Fires involving Township real estate and property; and
- D. Fire services performed outside the jurisdiction of the Township.

#### **Section 5. Payment of Charges**

All charges established by this Ordinance or set by resolution of the Township Board are due within 30 days from the date the services are billed. Where one is in default of payment, the Township may collect the charges due as provided herein.

**Section 6. Collection of Charges**

The Township Board may by separate resolution delegate the authority and responsibility to bill and collect charges under this Ordinance to its designated representative. The Township Board reserves the right to waive charges in documented hardship cases.

The charges set forth in this Ordinance constitute a lien on the property for which the service charges were incurred, including both real and personal property, and if not paid within 60 days after the same is due, the official in charge of the collection thereof must, prior to May 1 of each year, certify to the tax assessing officer of the Township the facts of such delinquency. The tax assessing officer must enter such delinquent charges affecting the property within the Township's jurisdiction upon the next general tax roll as a charge against the premises and the liens thereupon may be enforced in the same manner as provided by law for delinquent and unpaid taxes. Notice of such lien claim shall be mailed to the owner of the premises on the Township tax roll at the last known address, provided, however, that failure of the Township to record such lien claim or mail such Notice, or the failure of the owner to receive such Notice shall not affect the right to foreclose therein for such charges.

**Section 7. Method of Collection**

Notwithstanding any other method of collection authorized by this Ordinance, the Township may maintain proceedings in any court of competent jurisdiction to collect any monies remaining unpaid and pursue all other remedies provided by law for the collection of said charges.

**Section 8. Non-Exclusive Charge**

The charges set forth in this Ordinance are not exclusive of the charges that the Township may make to recover the costs and expenses of securing fire protection services in the Township; rather, these charges are supplemental thereto. Also, charges may be collected by the Township through general taxation by procedures provided by law or by special assessment established by law or by this Ordinance. General fund appropriations may also be made to cover such additional costs and expenses.

**Section 9. Multiple Property Protection**

When the entity with which the Township contracts for fire protection services renders a service that directly benefits more than one person or property, the owner of each property and each person so benefitted where property protection is involved is liable for the payment of the full charge for such services. In determining whether a service directly benefits more than one person or property, the Township may receive input from the fire chief of the entity with which the Township contracts for fire protection services. This section is to be administered so that charges are only collected from the recipients of the service.

