

**STATE OF MICHIGAN
COUNTY OF GRAND TRAVERSE
TOWNSHIP OF PARADISE
EMERGENCY SERVICES FIRE RUN CHARGES ORDINANCE
ORDINANCE NO. 2018-01**

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

THE TOWNSHIP OF PARADISE, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

This ordinance is adopted to enable Paradise Township (“Township”) to bill for and collect cost recovery charges from those persons, entities, and properties, within the Township receiving direct benefits from fire protection and other emergency services (or jointly “emergency services”) provided by the Township, or by the Township acting jointly with another Township, under an agreement pursuant to PA 33 and other applicable law. 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 Township, by Resolution of the Township Board, shall set or revise charges for fire and emergency services that are provided by the Township or by the Township acting jointly with another Township, under an agreement pursuant to PA 33 and other applicable law.

If another fire department provides emergency services within the Township pursuant to a mutual aid agreement or, as a result of a request for assistance from the Township, or a request from an officer of a joint department established under PA 33, then the charges set by the assisting municipality for the services which have been provided by its fire department, shall be paid in the same manner as if those charges had been due and payable, and administratively handled, as charges for fire or emergency services that have been provided by the Township or by a joint department under PA 33.

If available, the charges shall be billed to the insurance company of the recipient of the fire and emergency services. ‘Insurance Company’ shall mean any insurance carrier that has a legal obligation to reimburse or pay on behalf of a recipient of emergency services regardless of the type of insurance coverage.

Section 3: Time for Payment for Run

All of the foregoing charges are due and payable within 90 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: Multiple Property Protection

When a particular fire protection or other emergency service rendered by the Township, or by a joint department under PA 33, directly benefits more than one person, entity, or property, the owner of each property so benefited, and each person otherwise so benefited (where property protection is not involved), is liable for the payment of the full charge for such service. The interpretation and application of this section is delegated to the chief of the Township's fire department, or chief of the joint fire department under PA 33 or other applicable law, subject only to appeal, within the time limits for payment, to the Township Board, and shall be administered so that charges shall only be collected from the recipients of the service.

Section 8: 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 9: Effective Date

This ordinance shall take effect the day following the date of publication. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Ayes: Stocking yes, Lajko yes, Joppich yes, Gulliver yes:

Nays:

Absent: King

Adopted: January 10, 2018