

# **TOWNSHIP OF NEW BUFFALO BERRIEN COUNTY, MICHIGAN**

## **FIRE CHARGES ORDINANCE**

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES: TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES: AND TO PROVIDE EXEMPTIONS THEREFROM.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN ORDAINS:

### **SECTION 1. PURPOSE OF ORDINANCE**

This ordinance is adopted for the purpose of providing financial assistance to the Township of New Buffalo (hereinafter referred to as the Township) in the operation of its Fire Department. The source of financial assistance will be from those receiving direct benefits from the Townships fire protection services. It is the further purpose of this ordinance to provide full funding of the fire department operation which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township from the existence of a Township Fire Department and its availability to extinguish fires within the Township and perform other emergency services.

### **SECTION 2. CHARGES FOR FIRE DEPARTMENT SERVICES**

Recipients of any of the following services rendered or performed by the Township Fire Department:

- a. House or Structure Fire
- b. Automobile Fire
- c. Truck Fire
- d. Aircraft Fire
- e. Unauthorized Grass or Brush Fire
- f. Swimming Pool and Well Fill Services
- g. Hazardous Material Clean-up Services
- h. "False Alarms" over 2 in 60 days
- i. Public Safety, Health and Welfare Response Calls

Services shall be charged in accordance with a schedule of charges established by

Resolution of the Township Board and these charges shall be due and payable to the Township within 30 days after the charges are billed. This schedule of charges shall be established on the following basis:

- Cost per hour (established pay scale + 40% - firefighter) of firefighters used.
- Cost per hour (\$90 small, \$120 intermediate, \$150 large – fire truck) of equipment used.
- Cost of materials used (cost of materials + 35%)
- Pool & Well Fills (\$50 for the first 1000 gallons plus \$15 per 1000 gallons additional.
- “False Alarms” over 2 in 60 days (\$50)
- Administration fee of \$25 will be added to each fire billing to cover cost of billing and collections.

When adopted by the Township Board, the schedule of charges shall be and are hereby incorporated herein. Said schedule and the exemption from said charges as set forth in Section 4 hereof may be changed from time to time by resolution of the Township Board and such changes shall not require a formal amendment of this ordinance.

### **SECTION 3. PAYMENT OF CHARGES**

All of the foregoing charges shall be due and payable to the Township within 30 days after the date services are billed; and in default of payment, the charges shall be collectible as provided herein.

### **SECTION 4. EXEMPTIONS**

The following properties and services shall be exempt from the foregoing charges:

- a. Single incident “False Alarms”
- b. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies
- c. Fires involving federal, state, county, township, village and other governmental real estate and/or property
- d. Fire services performed outside the jurisdiction of the Township under mutual aid contract with an adjoining unit of government

### **SECTION 5. COLLECTION OF CHARGES**

The Township Board hereby delegates the authority and responsibility for billing and collecting charges to the Township Clerks Office and may proceed in the district court or circuit court, if necessary, to collect any monies remaining unpaid and may

pursue any and all other remedies provided by law for the collection of said charges. The Township Board reserves the right to waive charges in hardship cases.

**SECTION 6. NON-EXCLUSIVE CHARGE**

The foregoing charges shall not be exclusive of the charges that may be made by the Township for the cost and expense of maintaining a fire department, but shall only be supplemental thereto. Additionally, charges may be collected by the Township, through general taxation by procedures provided by law or by a special assessment established as provided by law. General Fund appropriations may also be made to cover such additional costs and expenses.

**SECTION 7. MULTIPLE PROPERTY PROTECTION**

When a particular service rendered by the Township Fire Department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is involved shall be liable for the payment of the full charge for such services. The interpretation and application of this section is hereby delegated to the Township Fire Chiefs, and their decisions shall be final, subject only to appeal, within the time limits provided herein for payment, to the Township Board and this section of the ordinance shall be administered so that the charges shall only be collected from persons and property who benefit from the service.

**SECTION 8. SEVERABILITY**

Should any provision or part of the within 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 9. REPEALER PROVISION**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 10. EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after date of publication.

**SECTION 11. PUBLICATION**

This ordinance is ordered to be given publication in the manner prescribed by law.

**SECTION 12. ADOPTION DATE**

This ordinance is hereby declared to have been adopted by the Township Board of New Buffalo, Berrien County, Michigan at a meeting of said Board held on the 18<sup>th</sup> day of March, 2002.

**MOTION TO ADOPT ORDINANCE**

Motion by Rahm and supported by Zabicki that the foregoing Ordinance be adopted.

Roll Call Vote

Yes: Rahm, Braden, Steinke, Conway, Zabicki

No: None

Ordinance declared ADOPTED March 18<sup>th</sup>, 2002.

## **CERTIFICATION**

I hereby certify that the foregoing is a true copy of the New Buffalo Township Fire Charges Ordinance, which was duly adopted by the Township Board of New Buffalo, Berrien County, Michigan, on March 18<sup>th</sup>, 2002, and this Ordinance was published in the New Buffalo Times on March 27<sup>th</sup>, 2002.

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Judith Handley Zabicki  
New Buffalo Township Clerk