

TOWNSHIP OF GARFIELD
COUNTY OF CLARE, STATE OF MICHIGAN
AMENDED ORDINANCE NO. 19-06
FIRE AND EMERGENCY INCIDENT CHARGE ORDINANCE

An ordinance to establish charges for fire department services in responding to emergency incidents under Public Act 33 of 1951, as amended (Compiled Law 41.801, etc.) and to provide methods for the collection of such charges and exemptions therefrom.

THE TOWNSHIP OF GARFIELD, CLARE COUNTY, MICHIGAN, PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 12 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN FOR 1929, AS AMENDED, ORDAINS:

Section 1: Purpose

The within ordinance is adopted for the purpose of providing financial assistance to the township in the operation of its fire department from those receiving direct benefits from the service and to insulate the township from bearing the burden of substantial fire and emergency response costs from any particular incident. Although the operation of the township fire department remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the township, it is the further purpose of the within ordinance to provide for substantial contribution from those receiving direct benefits for the operation of the fire department.

Section 2: Definitions

- A. Incident. The term "incident" shall mean a response by the Garfield Township Fire Department, any of its personnel or any of its equipment arising from a call from any person, property owner, law enforcement agency, fire or emergency response unit of another governmental entity, emergency medical response unit (public or private) or as dispatched by the Garfield Township Fire Department itself. An incident shall include, but not limited to responses for fire, motor vehicle accident, hazardous material release or discharge, structure collapse or explosion.

- B. Responsible Party. The term "responsible party" shall mean any individual, firm, corporation, association, partnership, commercial entity, joint venture, governmental entity or any other legal entity that is responsible for an incident, whether actual or threatened, or is an owner, tenant, occupant or party in control of property receiving any benefit, services or equipment provided by the township. When the service rendered by the township fire department directly benefits more than one person, entity or property, the owner, tenant, occupant or party in control of each property so benefited shall be a responsible party.

Section 3: Charges

- A. A basic charge of
\$50/hour per Firefighter

\$100/hour for Engine
\$100/hour for Tender
\$100/hour for Rescue
\$150/hour for Squad
\$75 for Grass Rigs
\$75 for Waterpoint

- B. A charge of \$750.00 in addition to the basic charge shall be made to individuals requiring extrication by mechanical device from any motor vehicle during the course of a Personal Injury accident and etc.
- C. A charge shall be made to individuals and/or businesses requiring hazardous materials and specialized rescue services either directly from Garfield Township Fire Department or in the event that the Garfield Township Fire Department must stand by a site or location for reasons of public health, safety, and general welfare.
- D. A charge shall be made to individuals and/or businesses for utility or power line incidents either directly from Garfield Township Fire Department or in the event that the Garfield Township Fire Department must stand by at a site or location for reasons of public health, safety, and general welfare.
- E. A charge shall be made to individuals and/or businesses for incidents involving an aircraft either directly from Garfield Township Fire Department or in the event that the Garfield Township Fire Department must stand by at a site or location for reasons of public health, safety, and general welfare.
- F. In addition to all charges set forth above, if the nature of the accident and/or incident requires, in the opinion of the officer in command, additional specialized services over and beyond those services normally associated with the Garfield Township Fire Department response, then all such personnel related costs incurred by the township as a result of responding to the incident shall also be assessed. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time, part-time and volunteer fire fighters (whether regular, overtime or premium shift pay), fire run fees paid to on-call fire fighters. All such personnel-related charges shall commence at the time the department has commenced responding to the incident and shall continue until all township personnel have concluded the incident responsibilities.
- G. In addition to all charges set forth above, if the nature of the accident and/or incident requires, in the opinion of the officer in command, additional specialized services over and beyond those services normally associated with the Garfield Township Fire Department response, then additional expenses incurred by the township in responding to the incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and replacement costs related to disposable personal protective equipment, extinguishing or neutralizing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the incident shall be assessed.
- H. In addition to all charges and assessments set forth above, in the event Garfield Township incurs any charges or expenses imposed by local, state or federal government

entities related to the accident and/or incident, such charges shall be assessed to the responsible parties.

- I. It is further required that the responsible party be responsible for all costs incurred in accounting or collecting incidental related expenses, including billing, collection and (if applicable) attorney fees.

Section 4: Billing and Payment

- A. Following the conclusion of the incident, the chief of the Garfield Township Fire Department shall submit a detailed listing of all known expenses to the township clerk, who shall prepare and submit to the responsible party an invoice for the chargeable expenses in accordance with this ordinance. The interpretation and application of the within section is hereby vested in the township fire chief subject only to appeal, within the time limits for payment, to the township board. The clerk's invoice shall be due in full from the responsible party within 30 days of its submittal. Any additional expenses that become known to the chief of the township fire department following submittal of the initial invoice to the responsible party shall be submitted in the same manner. All amounts remaining due after 30 days of submittal shall bear interest at the rate of seven (7%) per annum.
- B. In case of an incident involving more than one responsible party, the chief of the township fire department shall allocate the chargeable expenses between or among the responsible parties. Allocation of such charges shall be in relation to the relative benefits received by each responsible party. In such allocation, there shall be only one credit for the township at-large share set forth in section 3, which at-large share shall likewise be allocated between/among the responsible parties. Any responsible party who wishes to appeal the allocation may do so, within the time limits for payment, by submittal of written appeals to the township clerk, which shall state the basis of the appeal and allocation proposed by the appealing responsible party. Notice of the appeal shall be given by the township treasurer to all responsible parties involved in the allocation. The grant or denial of the appeal, and any adjustments in the allocation shall be made by the township board.

Section 6: Exemption

- A. Fires involving township buildings, grounds and/or property
- B. False alarms
- C. No charge shall be made, pursuant to this statute, to any property owner or resident of Garfield Township, Clare County, Michigan receiving direct benefits from the Garfield Township Fire Department and Rescue Service. For the purpose of this ordinance a property owner shall be defined as any person having legal or equitable title on property situated in Garfield Township, Clare County, Michigan, pursuant to the records of the respective County Register of Deeds. For the purpose of this ordinance a resident shall be deemed to be a person actually residing in Garfield Township, Clare County, Michigan.

Section 7: Non-Exclusive Charge

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the township through general taxation, after a vote of the electorate approving the same or by special assessment established under the Michigan statutes pertinent thereto.

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: Effective Date

This ordinance shall take effect on January 26, 2013

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

Adopted December 26, 2012, by the Township Board, Township of Garfield, Clare County, Michigan.

Dated: December 26, 2012 David Byl, Supervisor, Garfield Township

Dated: December 26, 2012 Martha Rottiers, Clerk, Garfield Township