

ORDINANCE NO. 1

CARMEL TOWNSHIP FIRE CHARGES ORDINANCE

ADOPTED: June 19, 1980

Amended: June 17, 1982

Effective: Aug. 1, 1982

“An ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951 as amended (Compiled Law 41.801 at. seq.), to provide methods for the collection of such charges and exemptions therefrom to require prior notice of burning conducted in an open, outdoor area with the Township and provide penalties for the violation of said notice requirement, and to repeal all ordinances or parts of ordinances in conflict therewith.”

SECTION 1.

PURPOSE

The within Ordinance is adopted for the purpose of providing financial assistance to the Township in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within Ordinance to provide for 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 or an entity Providing Fire Protection Service and its availability to extinguish fires within the Township and perform other emergency services.

SECTION II

CHARGES

The Township of Carmel, by Resolution of its Township Board, may hereafter, pursuant to this Ordinance, establish a schedule of fees to be charged per call to property owners within the Township for fire department runs and fighting fires on any private property within the township. These charges, as may be established by Resolution hereafter, shall apply to all fires on private property within the Township whereby the Township Fire Department of an entity providing fire protection services pursuant to contract with the Township is called to fight the fire or provide service at the scene of the fire. It shall be the duty and responsibility of the owner of the property to pay said charges. The Township Board at any time hereafter to increase or decrease the charges as it deems necessary, based upon the costs of providing this service.

SECTION III

TIME FOR PAYMENT FOR RUN

All of the foregoing charges shall be due and payable within 90 days from the date the notice is received and in default of payment shall be collectible through proceedings in district court or in any other court of competent jurisdiction as a matured debt.

SECTION IV

EXEMPTIONS

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

A. False alarms. This exemption shall apply to false alarms made with respect to burning conducted in an open outdoor area only if prior notice of the date time and location of the open BURNING PERMITS is given to the City of Charlotte Fire Department as agent for the Township, pursuant to Section VIII of this Ordinance.

B. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies

C. Fires involving township buildings, grounds and-or property.

D. Fire service performed outside the jurisdiction of the township under a mutual aid contract with an adjoining municipality.

SECTION V

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. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VI

“Where a particular service rendered by the Township Fire Department or an entity providing fire protection services pursuant to contract with the Township directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service herein before outlined. Responsibility for applying the within section shall rest with the Charlotte Fire Chief or his designate subject only to appeal, within the time limits for payment, to the Township Board.”

SECTION VII

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 effect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VIII

BURNING PERMITS

“Any person conducting burning in an open outdoor area within the Township shall give prior notice of the time, date and location of such open burning to the City of Charlotte Fire Department as agent for the Township.”

SECTION IX

“This Ordinance and the providing of fire fighting services by the Township, either directly or pursuant to Township contract with another entity, to its property owners, residents or others shall not in any way be deemed to be considered a proprietary function, as the charges being made for the service shall at all times be related to the direct cost to the Township in providing the fire fighting service. The fire department and the fire protection service provided by the Township either directly or pursuant to Township contract with another entity shall at all times be considered to be a governmental function of the Township for which it shall remain immune from negligence actions or suits pursuant to Michigan Law,

SECTION X

EFFECTIVE DATE

This Ordinance shall, take effect Aug. 1, 1982. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Carmel Township Board

543.137

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