

**CALDWELL TOWNSHIP FIRE CHARGES ORDINANCE NO. 13**

**AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES UNDER MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (COMPLETE LAW 41.801 ETC) AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES AND EXEMPTIONS THEREFROM.**

**THE TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN ORDAINS:**

**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 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**

The charges shall hereafter be due and payable directly to the Lake Missaukee Area Fire Department or Manton Area Fire Department, or other appropriate responsible fire department for the area from a recipient of the services from the fire department. The charge shall be at the rate contracted by Caldwell Township with the fire department.

**Section 3: TIME FOR PAYMENT FOR RUN**

All of the foregoing charges shall be due and payable within 30 days from the date the service is rendered 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 4: EXEMPTIONS**

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

- A. False alarms.
- B. Fires involving township buildings, grounds and/or property.
- C. Fire service performed outside the jurisdiction of the township under a mutual aid contract with an adjoining municipality.

**Section 5: COLLECTION OF CHARGES**

The township may proceed in District Court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

**Section 6: 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 a special assessment established under the Michigan statutes pertinent thereto. 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 where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the responding fire chief 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 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 effect 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 immediately. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed and adopted by the Township of Caldwell on December 21, 2006.

Motion by: mills

Supported by: Brown

Yeas: 4

Nays: 0

Daniel G. Mills  
Daniel G. Mills, Supervisor

Shelley M. Sloat  
Shelley M. Sloat, Clerk