

**TOWNSHIP OF LINCOLN
COUNTY OF CLARE, STATE OF MICHIGAN
AMENDED ORDINANCE NO. 33
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 LINCOLN, CLARE COUNTY, MICHIGAN, PURSUAT
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 Lincoln 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 Lincoln Township Fire Department itself. An incident shall include, but not be 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

Where the township fire department responds to a call for assistance in connection with an incident, actual costs incurred by the township responding to such a call shall be imposed upon responsible parties. Expenses and costs for the purpose of this ordinance and the imposition thereof upon the responsible party shall, include but not be limited to:

- A. **Three Hundred Fifty and 00/100** (\$350.00) Dollars, per hour or fraction thereof, For each pumper required, in the opinion of the officer in command, to stand by at the incident. For each hour, or fraction thereof, that the pumps are activated, an additional **One Hundred Fifty and 00/100** (\$150.00) Dollars shall be charged.
- B. **Three Hundred Fifty and 00/100** (\$350.00) Dollars, per hour, or fraction thereof, for each water tender or additional township-owned fire department vehicle required, in the opinion of the officer in command to be utilized in responding to the incident.
- C. A charge of **Two Hundred and 00/100** (\$200.00) Dollars per hour shall be made to individuals and/or businesses requiring hazardous materials and specialized rescue services either directly from Lincoln Township Fire Department or in the event that the Lincoln Township Fire Department must stand by at a site or location for reasons of the public health, safety, and general welfare.
- D. A charge of **Two Hundred and 00/100** (\$200.00) Dollars, per hour, shall be made to individuals and/or businesses for utility or power line incidents either directly from Lincoln Township Fire Department or in the event that the Lincoln Township Fire Department must stand by at a site or location for reasons of the public health, safety, and general welfare.
- E. A charge of **Two Hundred and 00/100** (\$200.00) Dollars, per hour, shall be made to individuals and/or businesses for incidents involving an aircraft either directly from Lincoln Township Fire Department or in the event that the Lincoln Township Fire Department must stand by at a site or location for reasons of the public health, safety and general welfare.
- F. A charge of **Two Hundred and 00/100** (\$200.00) Dollars, per hour, shall be made to individuals and/or businesses for vehicles or accidents involving commercial vehicles either directly from Lincoln Township Fire Department or in the event that Lincoln Township Fire Department must stand by at a site or location for reasons of the public health, safety, and general welfare.
- G. A charge of **Two Hundred and 00/100** (\$200.00) Dollars, per hour, shall be made to each individual receiving medical emergency services at the scene of an accident and/or incident.
- H. If the Lincoln Township Fire Department provides response services not specifically enumerated above, at the discretion of the officer in command, a charge of **Two Hundred and 00/100** (\$200.00) Dollars, per hour, for other services not Specifically enumerated above may be assessed.

- I. 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 Lincoln 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.
- J. 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 Lincoln 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.
- K. In addition to all charges and assessments set forth above, in the event Lincoln 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.
- L. 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 township fire department shall submit a detailed listing of all known expenses to the township treasurer, 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 treasurer'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 cases 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 a written appeals to the township treasurer, 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 5: Collection Remedies

The township may pursue any and all remedies available to it in the collection of past due sums, including, but not limited to institution of appropriate legal action in a court of competent jurisdiction and, where available, imposition of a lien or charge imposed upon the real or personal property benefited from the services. The final determination for collections shall be the responsibility of 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 Lincoln Township, Clare County, Michigan, receiving direct benefits from the Lincoln 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 Lincoln 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 Lincoln 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 the 09th day of January, 2012.

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

Adopted 09 January, 2012, by the Township Board, Township of Lincoln,
Clare County, Michigan.

Dated: _____

Dennis Zimmerman, Supervisor
Lincoln Township

Dated: _____

Carol L. Majewski, Clerk
Lincoln Township

CERTIFICATION

The above Amended Ordinance No. 33 was adopted at a meeting of the Lincoln Township Board on the 9th day of January, 2012, and published in the Clare County Cleaver, a newspaper of general circulation in the Township of Lincoln on the _____ day of _____ 2012.

Carol L. Majewski, Clerk
Lincoln Township

