

**AMENDMENT TO
OTSEGO LAKE TOWNSHIP
ORDINANCE NO. 1991-02**

FIRE CHARGES ORDINANCE

Otsego Lake Township Ordinance No. 1991-02, being the Fire Charges Ordinance which was original enacted on April 18, 1991, is hereby amended in the following particulars, to-wit:

Section 2 of said Ordinance is hereby amended to read as follows:

“Section 2: CHARGES

The following charges shall hereafter be due and payable to the Township from a recipient of any of the following enumerated services from the Township Fire Department: There shall be a charge of:

- A. Seven Hundred Fifty (\$750.00) Dollars for the first two hours of each Fire Department response within Otsego Lake Township involving an automobile, aircraft, train, truck, trailer, boat, motorcycle, or other type of vehicle or equipment not affixed to real estate or incorporated into a dwelling house. An additional fee of Two Hundred Fifty (\$250.00) Dollars per hour (or part thereof) will apply and be made for each call that exceeds two hours;
- B. A sum equal to the Township’s cost to all foam or other chemicals used by the Township Fire Department in containing, controlling or suppressing any fire within Otsego Lake Township;
- C. A sum equal to the Township’s actual cost of hiring any private contractor and/or use of the contractor’s equipment when the use of such contractor and/or its equipment is reasonable necessary or desirable, in the opinion of the Fire Chief or Acting Fire Chief, to contain, control or suppress any fire and its consequences within Otsego Lake Township;
- D. Seven Hundred Fifty (\$750.00) Dollars for each Fire Department response to the fourth and each subsequent false fire alarm at the same address or location within any calendar year, where such false fire alarm originates from mechanical and/or electronic fire alarm devices;
- E. One Hundred (\$100.00) Dollars for each response made by the Fire Department within Otsego Lake Township using the Jaws of Life; and

- F. Fire Department response within Otsego Lake Township Involving hazardous materials will be billed by the Township under the Superfund Amendment and Reauthorization Act.”

This Amendment is hereby declared to have been adopted by the Township Board of Otsego Lake Township, Otsego County, Michigan at a regular meeting of said Board held on the 19th day of July, 2007, and is ordered to be given publication in the manner prescribe by law.

Ayes: 5

Nays: 0

STATE OF MICHIGAN)

ss

COUNTY OF OTSEGO)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Otsego Lake, Otsego County, Michigan, do hereby certify that the foregoing is a true and complete copy of the proceedings taken by the Township Board of the said Township, at a regular meeting held on the 19th day of July, 2007, the original of which is on file in my file.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 19th day of July, 2007.

LORRAINE MARKOVICH
Otsego Lake Township Clerk

Adopted: July 19, 2007

Effective: September 12, 2007

OTSEGO LAKE TOWNSHIP ORDINANCE NO. 1991-02
FIRE CHARGES ORDINANCE

AN ORDINANCE TO ESTABLISH CHAGES FOR FIRE DEPARTMENT SERVICES UNDER MICHIGAN 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 OTSEGO LAKE, OTSEGO 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 partial 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 following charges shall hereafter be due and payable to the Township from a recipient of any of the following enumerated services from the Township Fire Department: There shall be a charge of:

- A. \$250.00 for each Fire Department response to any fire within Otsego Lake Township involving an automobile, airplane, truck, tractor, trailer, boat, motorcycle, or other type of vehicle or equipment not affixed to real estate or incorporated into a dwelling house;
- B. A sum equal to the Township's cost of all foam or other chemicals used by the Township Fire Department in containing, controlling or suppressing any fire within Otsego Lake Township;
- C. A sum equal to the Township's cost of hiring any private contractor and/or the contractor's equipment when the use of such contractor and/or its equipment is reasonably necessary or desirable to contain, control or suppress any fire and its consequences with Otsego Lake Township;

- D. \$250.00 for each Fire Department response to the fourth and all subsequent false fire alarms at the same address or location within any calendar year, where such false fire alarms originate from mechanical and/or electronic fire alarm devices;
- E. \$250.00 for each response made by the Fire Department within Otsego Lake Township as standby for the Jaws of Life or otherwise on standby for emergency procedures.

Section 3: TIME FOR PAYMENT OF CHARGES

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; except as otherwise provided in Section 2(D), above;
- 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.
- E. Structure or building fires, except as otherwise provide in Section 2 (B) and 2 (C), above.

Section 5: COLLECTION OF CHARGES

The Township may proceed in district court, or in any other court of competent jurisdiction, 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 and each person 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 Township 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 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: EFFECTIVE DATE

This ordinance shall take effect on the date of April 26, 1991. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10: ADOPTION

This ordinance is hereby declared to have been adopted by the Township Board of the Township of Otsego Lake, Otsego County, Michigan at a regular meeting thereof duly called and held on the 18th day of April, 1991, and ordered to be given publication in the manner prescribed by law.

