

FIRE CHARGES ORDINANCE

NO. 134 Village
29 sup

AN AMENDED ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICE UNDER MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (COMPILED LAWS 41.801) AND TO PROVIDE METHODS OF THE COLLECTION OF SUCH CHARGES, AND TO PROVIDE EXPEMPTIONS THEREFROM.

THE TOWNSHIP OF THREE OAKS AND THE VILLAGE OF THREE OAKS, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1: PURPOSE

Three Oaks Township and Three Oaks Village, both of Berrien County, Michigan, have heretofore by written agreement established pursuant to Act 33 of 1951, as amended, a Fire Administrative Board.

This ordinance is adopted for the purpose of providing financial assistance to Three Oaks Township, Three Oaks Village, and the Three Oaks Fire Administrative Board in the operation of a fire department from those receiving direct benefits from the fire protection services. It is the further purpose of this 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 Three Oaks Township and Three Oaks Village from the existence of a Township/Village Fire Department and its availability to extinguish fires within the township and village and perform other emergency services.

Section 2: CHARGES

The following charges will be based on a time per-hour: firefighter, equipment (\$250.00/hr/truck) and the fair value of material used, and shall hereafter be due payable to the Three Oaks Fire Administrative Board from a recipient of any of the following enumerated services from the Village/Township Fire Department:

- A. Grass Fire
- B. Rubbish Fire
- C. Automobile Fire
- D. House/Garage/Barn Fire
- E. Fire in a Commercial Establishment
- F. Fire in a Industrial or Manufacturing Establishment
- G. Fire in a Multiple-Family Building
- H. Hotel or Motel Fire
- I. Aircraft Fire
- J. Train Fire
- K. Truck Fire
- L. Forest Fire

- M. Emergency Rescue Service
- N. Resuscitator Service
- O. Swimming Pool Service
- P. Hazards Material Service
- Q. False Alarms
- R. Other Services Not Specifically Enumerated herein

Charges set out in this section and the exemptions therefrom set out in paragraph 4 hereof may be determined or adjusted from time to time by resolution of the Three Oaks Township Board and the Three Oaks Village Council, and such adjustments shall not require a formal amendment to this ordinance.

Section 3: TIME FOR PAYMENT

All of the foregoing charges shall be due and payable to the Three Oaks Fire Administrative Board within 30 days after the date the service is rendered and in default of payment shall be collectible as provided herein.

Section 4: EXEMPTIONS

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

- A. Fires caused by railroad trains which are the specific statutory of railroad companies.
- B. Fires involving village and township buildings, grounds and/or property.
- C. Fire service performed outside the jurisdiction of the township or village under a mutual aid contract with an adjoining municipality.

Section 5: COLLECTION OF CHARGES

The Three Oaks Fire Administrative board is hereby delegated the authority and responsibility for billing and collecting charges and may proceed in district court to collect any monies remaining unpaid and shall pursue 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 Three Oaks Fire Administrative Board for the cost and expense of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by Three Oaks Village and Three Oaks Township through general taxation by procedures provided by law or by a special assessment established as provided by law. 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 Village/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 herein before outlined. The interpretation and application of this section is hereby delegated to the Village/Township Fire chief subject only to appeal, within the time limits provided herein for payment, to the Three Oaks Fire Administrative Board and shall be administered so that charges shall only be collected from persons and property who benefit from the service.

Section 8: SEVERABILITY

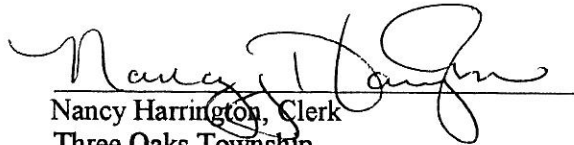
Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 9: EFFECTIVE DATE

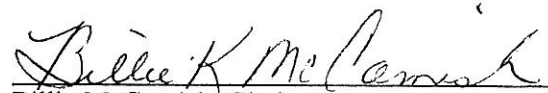
This ordinance shall be effective after it has been adopted and published by Three Oaks Township and Three Oaks Village as required by law.

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

I hereby certify that the foregoing amended ordinance was adopted by the Three Oaks Township Board at a meeting held on the 9th day of August, 1999.


Nancy Harrington, Clerk
Three Oaks Township

I hereby certify that the foregoing amended ordinance was adopted by the Three Oaks Village Council at a meeting held on the 11 day of Aug, 1999.


Billie K. McCamish, Clerk
Three Oaks Village