

PINCONNING TOWNSHIP
BAY COUNTY, MICHIGAN
COST RECOVERY ORDINANCE

Ordinance No. 24-01

At a duly scheduled meeting of the Township Board of Pinconning Township, Bay County, Michigan, held at the Pinconning Township Hall on May 13, 2024, at 7:00 p.m., Township Board Member Whitney moved to introduce the following Ordinance, which motion was seconded by Township Board Member Beck :

An Ordinance to establish cost recovery charges and exemptions for fire department services and other emergency services under Public Act 33 of 1951, as amended (MCL 41.801 et seq.), and to provide methods for collecting those charges.

PINCONNING TOWNSHIP, COUNTY OF BAY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known as and may be cited as the Pinconning Township Cost Recovery Ordinance (“Ordinance”).

SECTION 2: PURPOSE AND PREAMBLE. The purpose of this Ordinance is to support the financial costs to operate the Pinconning Township’s Emergency Services Fund by billing for and collecting cost recovery charges from individuals and entities who receive a direct benefit from Pinconning Fraser Fire Department’s (PFFD) emergency services. Pinconning Township will use monies received under this Ordinance to support emergency services and equipment fund.

SECTION 3. DEFINITIONS.

- A. “Township” means Pinconning Township.
- B. “Direct Benefit” mean causing, requesting, or being involved in an accident or incident within the Township limits that causes a response by the PFFD to provide fire or other emergency services.
- C. “Responsible Person” means an individual, firm, corporation, association, partnership, entity, consortium, or joint venture, public or private, that receives a Direct Benefit to such Responsible Peron(s) or to their property.

SECTION 4. FEES FOR SERVICE. Pinconning Township will charge fees for certain emergency services as described below:

- A. Authority to Charge. Pinconning Township may charge all Responsible Persons who directly receive a benefit from PFFD's emergency services described below when provided by PFFD within the Township limits.
- B. Services for Which Fees Are Due. The actual amount of the fees shall be established by resolution of the Pinconning Township Board from time to time. The Township Board may specify fees by resolution for services such as, but not limited to: fire inspection services, false alarms, grass fires, rubbish fires, illegal burning, fire suppression services, vehicle fires and responses, vehicle extrications, house fires, chimney fires, fires in commercial establishments, fires in industrial or manufacturing establishments, hotel and motel fires, aircraft fires, train fires, truck fires, forest fires, emergency rescue responses, water rescue responses, standby fire services for special events, emergency medical services, ambulance services, and other services or responses as may be categorized by PFFD as emergency services. Categories of costs may also be established in a fee schedule resolution for services based on geographic location and resident or taxpayer status of the benefiting party or parties.
- C. Amount of Fees. Pinconning Township may recover a fee in an amount established by its Township Board by resolution to recover the costs of providing emergency services within its service area. The Township Board will review the established fees from time to time and revise them as necessary by resolution to recover costs related to the services.

SECTION 5: EXEMPTIONS. The following properties and services are exempt under this Ordinance:

- A. Fire, emergency, and other incident response services involving Township-owned buildings, grounds, and/or property.
- B. Fire, emergency, and other incident response services provided outside of Pinconning Township.

SECTION 6: PAYMENT AND COLLECTION OF FEES.

- A. The Township delegates the authority and responsibility for billing and collecting fees, including preparing invoices, under this Ordinance to the Township Treasurer or their designee.
- B. All fees established by resolution under this Ordinance are due and payable within 30 days from the date on the Township's invoice mailed to the Responsible Person(s) at his or her last known address. If a person is in default of payment, Pinconning Township may collect the overdue fees as provided in this Ordinance.
- C. The Township may proceed in a court of proper jurisdiction to collect unpaid amounts, as well as pursue any other lawful actions to collect unpaid fees. The Township reserves the right to waive fees under this Ordinance in cases of hardship or other circumstances that the Township deems appropriate.

D. After the time limit for payment has expired, unpaid amounts may constitute a lien upon the real property of the Responsible Person(s) from which, upon which, or related to which the amounts were incurred. Such lien shall be the same character and effect as a lien for Township real property taxes. The Township Treasurer may certify to the Township Assessor the fact that such amounts are delinquent and unpaid. The Township Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.

SECTION 7: NON-EXCLUSIVE FEES. The fees set by resolution pursuant to this Ordinance are not exclusive of any other lawful charges, special assessments, and/or taxes that the Township or another jurisdiction may charge to recover the costs and expenses of providing emergency services; rather, the fees set hereunder are supplemental thereto. Additional costs may be recovered by the Township through general taxation or any other lawful mechanism.

SECTION 8: MULTIPLE PROPERTY OWNER SERVICES. When the Township renders a service in Pinconning Township that Directly Benefits more than one person or property, the owner of each property and each person benefitted are jointly and severally liable for the payment of the full fee. The Township delegates the authority to interpret and apply this section to the Pinconning Fraser Fire Chief. This section shall be administered so that fees are only collected from the recipients of the service, the owners of property receiving services, or their respective insurance carriers.

SECTION 9: NO LIMITATION OF LIABILITY. The collection of amounts due under this Ordinance does not limit the liability of a Responsive Person under applicable local, state, or federal law.

SECTION 10: APPEALS: Decisions made under this Ordinance, including fee calculations made under a corresponding fee schedule resolution, are final and subject only to written appeals submitted to the Pinconning Township Board prior to the due date to pay fees provided under this Ordinance. The Pinconning Township Board will decide any appeals under this provision at the Board's next regularly scheduled meeting unless such a meeting will occur less than 14 days from the written appeal (in which case the appeal will be decided at the following regularly scheduled meeting).

SECTION 11: SEVERABILITY. The provisions of this Ordinance are severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance which shall continue in full force and effect.


SECTION 12: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed, including the Fire Charges Ordinance adopted on February 9, 2010 in its entirety.

SECTION 13: EFFECTIVE DATE. This Ordinance shall take effect immediately.

ROLL CALL VOTE:

YEAS: 5
NAYS: 0
ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED

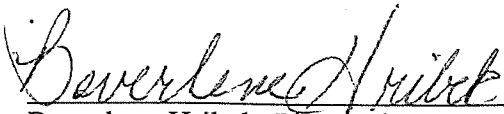


Paul Pomaville
Pinconning Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of the said ordinance, adopted by the Pinconning Township Board at a duly scheduled and noticed meeting of that Township Board held on May 13, 2024, pursuant to the required statutory procedures.
2. A summary of this ordinance was duly published in the Pinconning Journal, a newspaper that circulates within Pinconning Township, on May 22, 2024.
3. Within 1 week after such publication, I recorded this ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.



Beverlene Hribek, Pinconning Township Clerk

PINCONNING TOWNSHIP, BAY COUNTY
COST RECOVERY ORDINANCE
ORDINANCE NO. 24-01
NOTICE OF ADOPTION

Please take notice that on May 13, 2024, the Township Board of Pinconning Township adopted Ordinance No. 24-01, which allows Pinconning Township in certain circumstances to recoup costs related to providing emergency services. Copies of the Ordinance may be obtained by contacting the Township Clerk at (989) 879-4018, or at the Township Hall at 1751 Cody Estey Rd., Pinconning.

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Purpose and Preamble; Section 3: Definitions; Section 4: Fees for Service; Section 5: Exemptions; Section 6: Payment and Collection of Fees; Section 7: Non-exclusive Fees; Section 8: Multiple Property Owner Services; Section 9: No Limitation of Liability; Section 10: Appeals; Section 11: Severability; Section 12: Repeal; and Section 13: Effective Date.

Published by Order of the Township Board
Pinconning Township
Beverlene Hribek, Clerk
(989) 879-4018

Publication Date: May 22, 2024