

NO. 29-93 A

PINCONNING TOWNSHIP FIRE CHARGES ORDINANCE

AN ORDINANCE TO ESTABLISH CHARGES FOR CERTAIN FIRE DEPARTMENT EMERGENCY RUNS WITH IN THE TOWNSHIP OF PINCONNING, AND TO PROVIDE FOR THE ESTABLISHMENT OF LEINS AND COLLECTION OF AND FOR SUCH CHARGES.

THE TOWNSHIP OF PINCONNING, COUNTY OF BAY, STATE OF MICHIGAN ORDAINS:

Section 1: PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the Township in the operational cost of the Pinconning Township's portion of the Pinconning Fraser Fire Department, regarding certain emergency responses made within the Township of Pinconning. It is the further purpose of the within Ordinance to provide reimbursement to Pinconning Township for cost incurred by the Township for certain emergency runs. The 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 the Township of Pinconning from the existence and availability to extinguish fires with in the Township and perform other emergency services.

Section 2. CHARGES FOR CERTAIN RUNS.

Charges for certain runs. Any person or persons starting, initiating or originating a fire, any person or persons initiating or originating a spill and / or release of a Hazardous Material, and / or any person or persons involved in a motor vehicle accident within the Township of Pinconning, which requires or necessitates the use of the fire fighting personnel and or equipment in Pinconning Township shall be charged for actual expense of the dispatching of personnel and equipment for the purpose of mitigating the emergency situation, under the following circumstances:

A. Any motor vehicle accident and or fire originating in or involving a motor vehicle, trailers, items of personal property or other vehicle being transported or moved on all public and private roadways and thoroughfares located within the Township of Pinconning, that is owned by persons who are not residents of the of the Pinconning Fraser Fire District.

B. Any fire set for which the person has not obtained the proper permit as required by the Township of Pinconning or the State of Michigan.

C. If a permit was obtained, all fires which become uncontrolled or any fire using tires or tar based materials.

D. Any spill or release of hazardous material originating in a fire or involving a motor vehicle, motor transport vehicle and or fixed site facility.

E. Any response over 60 minutes for any wires or gas leaks for Public Service Utilities. (Stand-by)

For the purpose of this ordinance, the definition of a Hazardous Material shall be as defined by the United States Department of Transportation as one that poses an unreasonable risk to the health and safety of operating or emergency personnel, the public and / or the environment if not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal or transportation.

Section 3. EXEMPTION.

The following circumstance is exempt from the charge under this ordinance:

A. Any emergency which occurs on property owned, maintained and / or used by the Township of Pinconning including all buildings, grounds and other personal property.

B. False Alarms.

C. Fires caused by railroads trains which are the specific statutory responsibility of railroad companies.

D. Fire service performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining municipality.

Section 4. PAYMENT FOR SERVICES.

The Township Treasurer shall bill the person or persons involved, starting, initiating or originating, or the owner or owners of the property, for the actual expenses incurred by the Township of Pinconning. Payment on said bill shall be due and payable within Thirty (30) days of the postmark of such statement.

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. ACTUAL EXPENSES DEFINED.

The following charges shall be assessed as actual expenses under Section 2 and 4 of this ordinance.

A. Personnel Cost. The actual cost (per man / per run) incurred by the Township, plus Ten percent (10 %) for benefit costs who responded for the emergency call.

B. Equipment and Operational Cost per run. A charge of Two Hundred dollars (\$ 200 . 00) shall be assessed. Should the actual extinguishment go beyond one hour the afore stated fees shall be assessed for each additional hour and or portion thereof.

C. Supplementary Costs. Any additional equipment, manpower, suppression agents, technical services, etc., in which the Township of Pinconning incurs a cost for use and / or replacement during the mitigation of the emergency.

Section 7. NON-EXCLUSIVE CHARGES.

The foregoing rates and charges shall not be exclusive of the charge that may be made by the Township for the costs and expensive of maintaining a fire department, but shall only 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 statues pertinent thereto. General fund appropriations may also be made to cover such costs and expenses.

Section 8. MULTIPLE PROPERTY PROTECTION.

When a particular service rendered in Pinconning Township that 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 Pinconning Fraser 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 9. EFFECTIVE DATE.

This ordinance has been adopted pursuant to authority vested in the Township by MCLA 41.806 as amended, shall take effect Thirty (30) days after its passage, approval and publication. Ordinance No. 18-90 A and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

YEAS

Sharon Stalsberg, Supervisor
Donald H. Moore, Clerk

NAYS

Mary Ann Antcliff
Randy Amodeo
John Rustell

CERTIFICATION OF TOWNSHIP CLERK

I do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Township Board of the Township of Pinconning at a regularly scheduled meeting of the Township Board held at the Township Hall on the 14 day of DECEMBER, 1993.

Donald H. Moore
Pinconning Township Clerk
Donald Moore

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