

TOWNSHIP OF LINCOLN

COUNTY OF MIDLAND, STATE OF MICHIGAN

ORDINANCE NO. 3

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, MIDLAND COUNTY, MICHIGAN,
PURSUANT 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 operation 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 threaten, 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 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. All personnel related costs incurred by the township as a result of responding to the incident. 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.
- D. Other 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.
- E. Charges to the township imposed by local, state or federal government entities related to the incident.
- F. Costs incurred in accounting for all incident related expenditures, including billing and collection.

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 responsibly 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 to the township treasurer of a written appeal, 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

Fires involving township buildings, grounds and/or property shall be exempt from the foregoing charges.

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 a 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 only after the Incident Commander of an organized Fire, Police, EMS (Emergency Medical Service), County, State and Federal organizations has declared:

1. The incident a **Site Emergency** or a **Community Emergency** as defined in the Midland County Emergency Operations Plan appendix (4) attachments A & B.
2. That additional resources from public or private contractors are needed to aid in the abatement of the incident.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted _____, 1999, by the Township Board, Township of Lincoln, Midland County, Michigan.

Dated: _____

Gerald T. Nightlinger
Supervisor, Lincoln Township

Dated: _____

Delmar Tomlinson
Clerk, Lincoln Township

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Lincoln Township Board on the _____ day of _____, 1999, and published in the Midland Daily News, a newspaper of general circulation in the Township of Lincoln on the _____ day of _____, 1999.

Delmar Tomlinson
Lincoln Township Clerk