

TOWNSHIP OF BIRCH RUN
COUNTY OF SAGINAW, MICHIGAN

ORDINANCE NO. 91-3

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SERVICE FEES FOR FIRE AND RESCUE SERVICES, AND FOR THE RECOVERY OF THOSE FEES.

The Township of Birch Run ordains:

Section 1.

PURPOSE: To provide for the assessment of specific fees for the furnishing of emergency fire and rescue services to non-residents on the public and private roadways or private property located within the Township of Birch Run.

Section 2.

TITLE: This ordinance shall be known and referred to as the Fire and Rescue Services Fee Assessment Ordinance.

Section 3.

DEFINITIONS: The following terms when used in this ordinance, shall have the meaning set forth in this section:

- 3.1 "Emergency Fire and Rescue Services" shall include all services rendered by the Township of Birch Run Fire Department including, but not limited to, fires involving motor vehicles, trailers, personal property being transported or moved upon the roadways, private property or thoroughfares located within the Township. Rescue responses and other emergency responses shall also be included. Emergency services incident to the release or discharge of a hazardous substance as that term is defined in the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC Section 9601 et seq., shall be excluded.
- 3.2 "Non-resident" is defined as any person who, at the time of the fire or rescue service incident is not domiciled within, or named on the current real property tax assessment roll of, the Township of Birch Run. In the case of a corporation, partnership or other entity, other than a natural person, the term "non-resident" shall include all such entities which do not have a place of business within the Township of Birch Run, Saginaw County, Michigan.

Section 4.

IMPOSITION OF FEES: There is hereby assessed a service fee for the providing of emergency fire or rescue services to non-residents, if those services are provided within the Township of Birch Run. The service fee shall equal \$250.00 times the number of hours involved in responding to the emergency fire or rescue incident, with a minimum fee of \$250.00. The Township Board may revise the fee schedule from time to time by resolution of the Township Board.

Section 5.

PROCEDURE FOR COLLECTION OF FEES: After the emergency fire or rescue service is provided, the township clerk shall provide a statement of services, which shall include the amount of the fee which is assessed pursuant to this Ordinance. The statement shall be provided by first class mail to the person or entity for whom the emergency service was provided, together with the owner of the personal property, if any, which was involved in the fire or emergency service incident. The statement for services shall be due and payable within 60 days of the date of mailing by the township clerk.

Section 6.

COLLECTION OF FEES: If the fee which is billed by the township clerk has not been paid within 60 days of the date of mailing, the statement shall be considered in default, and the township may institute a civil action in a court of competent jurisdiction to collect the fee.

Section 7.

ALLOCATION OF FEES: All fees which are collected pursuant to this Ordinance shall be deposited to the general fund of the township.

Section 8.

SEVERABILITY: If any section, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part hereof, other than the part so declared to be invalid.

Section 9.

EFFECTIVE DATE: This Ordinance shall become effective the date following the date of publication of this Ordinance in the following newspaper: Bridgeport/Birch Run Weekly News

Made and passed by the Birch Run Township Board this ninth day of April, 1991.