

ORDINANCE NO. 99-12-21-2

FIRE AND EMERGENCY MEDICAL CHARGES ORDINANCE

AN ORDINANCE TO ESTABLISH FEES AND CHARGES FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES UNDER PUBLIC ACT 33 OF 1951, AS AMENDED, COMPILED LAWS 41.801, et seq.; TO IMPLEMENT THE INCORPORATION OF THE CHELSEA AREA FIRE AUTHORITY; TO DELEGATE TO THE SAID AUTHORITY THE POWER TO SET A UNIFORM SCHEDULE OF FEES AND CHARGES; TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES, APPEALS AND EXEMPTIONS THEREFROM; TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP INHABITANTS.

THE TOWNSHIP OF WATERLOO, ^{JACKSON}~~WASHINGTON~~ COUNTY, MICHIGAN, ORDAINS:

SECTION I. PURPOSE. The within Ordinance is adopted to provide financial reimbursement to the TOWNSHIP (hereinafter "Municipality") for the furnishing of fire protection and emergency medical services from those receiving direct benefits from such service; to provide for full funding of the fire protection and emergency medical services which remain in large part, and at-large governmental expense based upon the general benefits derived by all persons within the Municipality from the availability of fire protection and emergency medical services to extinguish fires within the Municipality and perform other emergency services. This Ordinance is adopted or fire protection and emergency medical services under Public Act 33, Public Acts of Michigan, 1951, as amended, (MCL 41.801 et seq.), Public Act 57, Public Acts of Michigan, 1988, and Act 7 of the Public Acts of 1967, extra sessions, (MCLA 124.501 et seq.)

SECTION II. BENEFITTED PERSONS AND PROPERTIES. Fees and charges for fire protection and emergency medical services shall be made to the owners of the personal or real property to which the services are rendered per incident and to the persons benefitted by the services. The fees and charges shall include the Municipality's costs, current expenses and accrued fund charges, whether provided by

contract, special assessment, general taxation, or contributions to the Chelsea Area Fire Authority, of fire protection and emergency medical services, plus the costs of administering the Ordinance. Where more than one property or person is involved or where there are more than one person who owns an individual property, all persons to whom services are rendered and all owners of properties benefitted by such services shall be jointly and severally liable for the fees and charges.

SECTION III. DELEGATION TO THE CHELSEA AREA FIRE

AUTHORITY. The Board of the Chelsea Area Fire Authority (the "Authority"), created under Act 57, Public Acts of Michigan, 1988, as amended (the "Act") and by the Articles of Incorporation of said Authority to which this municipality is a constituent or associated member, is hereby granted the right to establish, determine, revise, increase or decrease uniform just and reasonable rates, fees and charges for fire protection and suppression and emergency medical services from time to time; to establish and determine different uniform rates, fees and charges for fire protection and suppression and emergency medical services for separate classes of users, based upon the type of incident, structure, vehicle, cause, service provided, environmental response, or other reasonable distinctions and bases involved. The Authority shall bill and collect on behalf of the Municipality the fees, charges and rates so established from the persons and properties benefitted. The Authority is authorized to deliver or cause to be delivered statements and billings to the persons and owners liable for the charges and fees. Delivery may be done by regular mail to the last known address of the persons or owners liable and a statement shall be conclusively presumed delivered as of the date it is deposited into the United States mail addressed to such persons and owners. The Authority is authorized to divide the statement among the persons or owners in equal pro-rata shares or some other fashion, or to submit a statement as a single joint, several and undivided liability to all persons and owners involved, in the discretion of the Authority.

SECTION III. TIME FOR PAYMENT. All of the foregoing charges shall be due and payable from the date of delivery of the statement for the service rendered

and in default of payment shall be collectible through proceedings in the District Court or any other Court of competent jurisdiction on a complaint filed by the Authority as a matured debt. In addition thereto, the Authority is authorized to seek and collect the actual attorney fees and costs of collection. All statements are due sixty (60) days from delivery. After 60 days, unpaid statements shall bear interest at 12% per annum until paid. Any person making a "False Alarm", which is defined as an incident where there was no cause for an alarm and the request for services is initiated by any action or omission of the person making the alarm, directly, or through any mechanism or system from the property of the persons or owners to whom the services are requested, is liable for the charges incurred.

SECTION IV. EXEMPTIONS. The following properties and services shall be exempt from the foregoing charges:

A. Fire protection services involving the Municipality's owned buildings, grounds and/or properties.

SECTION V. APPEALS. Any person may appeal any statement of charges by filing a written appeal. The appeal shall be filed and received at the Authority's offices within twenty (20) days after delivery of a statement. The Authority shall notify the person or representative making the appeal of a time, place and date of hearing on the appeal. The person making the appeal may appear in person or through a representative. The appeal shall be determined by the Authority Board. The Authority Board is authorized, in the discretion of the Authority Board, to waive or reduce a statement of charges:

A. Where there is unnecessary hardship or undue economic burden on the persons or owners liable for the charges.

B. Where the rendition of service was made in error at the request of a person or persons other than those liable for the charges, and there was no benefit given or received by the services.

C. Where there are other extenuating circumstances beyond the control of the persons liable and there was no benefit given or received by the

services.

The decision of the Authority Board shall be in writing and shall be final.

SECTION VI. NON-EXCLUSIVE CHARGE. The rates and charges shall not be exclusive of the charges that may be made by the Municipality for the costs and expenses of providing fire protection and emergency medical, but shall only be supplemental thereto. Charges may additionally be collected by the Municipality through general taxation after a vote of the electorate approving the same or by special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VII. SEVERABILITY. Should any provision or part of the within Ordinance be declared by an Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or en-forceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VII. EFFECTIVE DATE. This Ordinance shall take effect immediately. Ordinance No. ____, the present _____ Fire Charge Ordinance, is hereby replaced by this Ordinance. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

NOTICE OF ORDINANCE ADOPTION

PLEASE TAKE NOTICE that the above Ordinance was adopted by the
WATERLOO TOWNSHIP Board on DECEMBER 21 1999.

The above is the full text of the Ordinance.

The effective date is DECEMBER 22, 1999.

A copy of the Ordinance may be purchased or inspected at the WATERLOO
TOWNSHIP Hall, 8061 WASHINGTON ST, except for legal
holidays.

Waterloo Twp, Municipality Clerk



DAVID J. SWEET

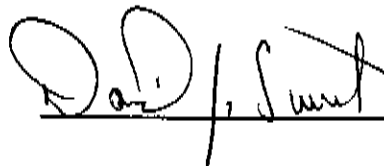
Dated: DECEMBER 21 1999.

STATE OF MICHIGAN)
COUNTY OF WASHTENAW)**

I, DAVID J. SWEET Municipality WATERLOO TOWNSHIP
Clerk, do hereby certify that the within Ordinance was adopted by the
WATERLOO TOWNSHIP Board at a regular meeting held on the 21 th day
of DECEMBER, 1999 by the following roll call vote:

AYES - 5 -

NAYES - 0 -



WATERLOO TOWNSHIP Clerk

Prepared by:
KEUSCH AND FLINTOFT, P.C.
Attorneys at Law
BY: PETER C. FLINTOFT, (P-13531)
119 South Main Street, P.O. Box 187
Chelsea, Michigan 48118