

CHAPTER 20 FIRE AND EMERGENCY SERVICE CHARGES

Section 20.1 Purpose. This Chapter is adopted to provide reimbursement to the Township relative to certain fire and emergency services rendered by Courtland Township Fire Department.

Section 20.2 Definitions.

- A. **“Fire Department Response”** means coming to the scene of a fire or hazardous materials incident, traffic or vehicular accident or hazardous condition, or any investigation in connection with a fire, hazardous materials incident, accident or hazardous condition.
- B. **“Hazardous Condition”** means any condition creating a concern for the physical welfare of persons in the immediate area of the situation (including downed utility lines or gas leaks not in an occupied structure), requiring a fire department response.
- C. **“Investigation”** means gathering of evidence or data in connection with arson investigations, or special investigations required to determine the responsibility of persons for fires, spills, accidents or hazardous conditions. Investigations do not include the normal investigation made to determine cause and origin of a fire as required by the State of Michigan.
- D. **“Release”** means any leaking, spilling, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment.
- E. **“Person”** means a natural person, corporation, partnership or other entity with legal capacity.

Section 20.3 Charges for Services. Pursuant to the authority granted by Public Act 33 of the Public Acts of 1951, as amended, and as further amended by Public Acts of 1990, found in Michigan Compiled Laws Section 41.801 and 41.808(a), the Township shall render charges to persons or properties served by Courtland Township Fire Department for certain specific services for conditions described as follows:

- A. Any fire department response to a fire started by a property owner or person, such as, but not limited to, a controlled brush fire or other open burning, which becomes uncontrolled, any fires purposely or knowingly started in any building, dwelling, appurtenant structure or any other structure, or any motor vehicles when said fire has been started for the specific purpose of and with the intent of causing damage to or destruction of any such building, dwelling, appurtenant structure, or vehicle.
- B. Any fire department response to an incident caused by a criminal act; i.e. DUI, intentional false alarm, arson, etc.
- C. Any fire department response to a fire in a structure causing a loss, ignited by accidental means shall be subject to cost recovery for damage or destruction to fire

department equipment beyond normal wear and tear, and for all expenses incurred and paid to a third party.

- D. Any fire department response requiring containment, abatements or any safety measure in connection with any hazardous or toxic material release. Charges in such case shall be made to the person responsible for the release, whether or not the release occurs on, the property of the responsible party. The responsibility for the release includes releases caused by the person as well as any release from any vehicle, building or other instrumentality, owned occupied or utilized by the person, regardless of fault.
- E. Any fire department response to a traffic or vehicular accident, including but not limited to the control of fires or spills, assistance to injured persons or ambulance crews, or extraction of persons from vehicles.
- F. Any fire department response for hazardous conditions.
- G. The cost of copies for fire department reports generated for any person except for governmental entities.
- H. Any Township response to a False Alarm due to system malfunction or maintenance Issue at a property that is not a single family or duplex residence in excess of three such alarms in any consecutive 12-month period.
- I. The provision of fire department equipment or personnel for the purpose of providing stand-by fire, rescue, or emergency medical services necessary to support a non-emergency event situation hosted by a for-profit organization. When such services are requested by a for-profit organization, the Township Board will act upon a recommendation by the Fire Chief to charge for services.
- J. Failure to comply with requests made by the fire department to abate hazards as specified in the fire safety codes adopted by the Township. If compliance is not made within 3 inspection visits over a (30) day period, the fire safety specialist will notify the Fire Chief, who will charge the person responsible for the property the appropriate fee as provided by resolution.

Section 20.4 Exemptions.

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

Section 20.5 Responsibility for Charges. Persons responsible for charges include:

- A. Persons who caused the condition.
- B. Property owners or occupants of property upon which the conditions exist.

- C. Owners or lessees of instrumentalities involved in the condition, such as vehicle owners, utility or gas companies.
- D. Owners of vehicles from which occupants are extricated, owners or renters of premises from which a person or persons are rescued, and owners of vehicles receiving fire extinguishment or spill abatement shall be deemed as benefiting from the services provided.
- E. Insurer or guarantors for persons responsible or benefited.
- F. Withstanding the foregoing, a person who is a resident of Courtland Township at the time of an incident shall not be responsible for any charge imposed under Section 21.3.E.

Section 20.6 Multiple Property Protection. When a particular service rendered by the Township directly benefits, more than one person, or property; each person responsible as set forth above shall be jointly and severally 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 Township Fire Chief subject only to appeal, within the time limits for payment to the Township Board.

Section 20.7 Payment for Services. The Township shall bill persons determined to be reasonable for the incident charged for, or owners of property, for amounts set forth in the resolution determining charges. All bills rendered for charges shall be paid within 30 days of the mailing of the billing.

Section 20.8 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 20.9 Charges to be Determined by Resolution. Charges for fire department services enumerated above shall be determined by resolution of the Township Board, Appendix A to this Chapter.

Section 20.10 Disbursement of Funds. All funds collected as a result of this Chapter shall be used for the normal operations and maintenance of the fire department and its equipment.

Section 20.11 Other Remedies. The recovery of charges and expenses imposed under this Chapter shall not relieve or limit the liability of any person under any other local ordinance, or state or federal law, rule or regulation. The remedies provided herein shall be in addition to those remedies provided in Chapter 21, “Response Charges for Hazardous Materials Incidents,” and nothing in this Chapter 20 shall prohibit the Township from also proceeding under Chapter 21.

Section 20.12 Severability. Should any provision or part of the within Chapter 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 Chapter which shall remain in full force and effect.

Section 20.13 Codification; Repeal. This ordinance shall be renumbered and incorporated into the Courtland Township Code. All Chapters of the Code inconsistent herewith are hereby repealed.