

AMENDED ORDINANCE NO. 215
Amended March 20, 2006

Fire and Emergency Medical Charges Ordinance

An Ordinance to collect 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 Stockbridge area emergency service authority; to delegate to the said authority the power to set uniform schedule of fees and charges; to provide methods for the collections of such charges, appeals and exemptions therefrom; To protect the Health, Safety and Welfare of the Township inhabitants.

The Township of Stockbridge, located in Ingham County Michigan, Ordains:

SECTION 1. 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 fire within the Municipality and perform emergency medical services. This Ordinance is adopted for fire protection and emergency medical services under Public Act 33, Public acts of Michigan, 1951, as amended (MCL41.801 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. Benefited 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 benefited by the services. The fees and charges shall include the Municipality's cost, current expenses and accrued fund charges, whether provided by contract, special assessment, general taxation, or contribution to the Stockbridge Area Emergency Service Authority, of fire and emergency medical services, plus the cost of administering the Ordinance. Where more than one property or person is involved or where there are more than one person who owns and individual property, all persons to whom the services are rendered and all owners of properties benefited by such services shall be jointly and severally liable for the fees and charges.

Section III. Delegation to the Stockbridge Area Emergency Service Authority. The board of the Stockbridge Area Emergency Service 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 rates, fees and charges for fire protection and suppression and emergency medical services for separates 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 benefited. The Authority is authorized to deliver or cause to be delivered statements and billings to the persons and owner liable for the charges and fees. All foregoing charges shall be due and payable for service rendered and collected through the Authority.

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 office within (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 a hearing on the appeal. 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 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.

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 cost 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 cost and expenses.

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

This Ordinance shall take effect immediately. Ordinance No. 215, the present Ordinance 215 Fire Charge Ordinance, is hereby replaced by this Ordinance. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

As voted on this 20th day of March 2006:

Motion by Mary Wilson seconded by Terry Sommer

Those voting yes: Risner, Allen, Sommer & M Wilson

Those voting no: none Those absent: D Wilson

Certified by: Mary Wilson
Stockbridge Township Clerk

3-20-2006
Date