

Riley Township

St. Clair County, Michigan

Ordinance #38-19 Fire and Rescue Protection and Charges

AN ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF ACT NUMBER 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED (BEING MCLA 41.181, et seq.), AND ACT NUMBER 33 OF THE PUBLIC ACTS OF 1951, AS AMENDED (BEING MCLA 41.801, et seq.), TO ESTABLISH COMPENSATORY CHARGES FOR FIRE PROTECTION SERVICES, RESCUE AND OTHER EMERGENCY SERVICES; TO PROVIDE METHODS AND PROCEDURE FOR THE COLLECTION OF SUCH CHARGES; TO REPEAL ALL CONFLICTING ORDINANCES OR PARTS OR ORDINANCES; AND FOR THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC.

THE TOWNSHIP OF RILEY ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Riley Township Fire and Rescue Protection and Charges Ordinance.

Section 2: Purpose and Authorization

This ordinance, being the RILEY TOWNSHIP FIRE AND RESCUE PROTECTION AND CHARGES ORDINANCE, is adopted pursuant to the provisions of Act Number 246 of the Public Acts of 1945, as amended (Being MCLA 41.181, et seq.) and Act Number 33 of the Public Acts of 1951, as amended (Being MCLA 41.801, et seq.), as it may be amended from time to time. The Township of Riley currently provides fire protection, rescue and emergency services to persons, and entities in the Township in need thereof, pursuant to and under contracts with other municipal corporations having organized fire and/or rescue departments. The Township thereby becomes obligated to pay certain contractual sums as the result of the providing and rendering of such services, and the said charges and/or cost may be defrayed, pursuant to law, by the collection of charges for the usage of services provided. The purpose of this Ordinance is to provide financial assistance to the Township in the providing of fire protection, rescue and/or emergency services from those receiving direct benefits of and from the said service/s. It is the further purpose of the within ordinance to provide payment of, and to defray the costs and/or charges for such fire protection, rescue and/or emergency services by providing for the collection of same, and to have the said services available within the Township of Riley, and for the health, safety and general welfare of the public.

Section 3: Definitions

Terms as used in this Ordinance:

- A. "Fire Protection Service" shall be, and is, defined as any service performed for any person, vehicle owner/operator and/or other responsible person and/or entity in the Township of Riley in St. Clair County, Michigan, by any municipal fire department pursuant to contract for fire protection, rescue and/or emergency services in the Township, including, but not limited to, the following: The use of, appearance of, or the dispatch of any fire equipment, truck, pumper and/or other apparatus of any kind or description for the purpose of fire control, suppression and/or for the removal and/or control of components of combustion, and shall include any rescue, emergency and/or other such services provided and/or incidental to those rendered in connection therewith; and any such services rendered for the purpose of extrication, fire control, debris removal, control and/or removal of gasoline or oil spills, first aid and/or other similar or related services performed and/or provided at the scene of, or in connection with, a vehicle and/or motor vehicle accident, and/or other property damage and/or personal injury occurrences, not principally because of fire.

- B. "Vehicle" shall mean and include, under the terms of this Ordinance, any manufactured and/or constructed vehicle, machine and/or device designed, used and/or intended for the purpose of transporting, carrying, hauling, conveying and/or moving persons, goods, properties, substances, materials, sand, soil, gravel, earth and/or cargo of any kind, nature and/or description. The term "Vehicle" shall include, but is not limited to, any and all of the following: automobiles, trucks, semi-tractors, motor vehicles, travel homes, motorcycles, motorbikes, sport/utility vehicles, bicycles, snowmobiles, off-road vehicles, farm tractors and/or implements, trailers, construction equipment, and/or any other such means of conveyance, construction and/or transport.
- C. "Vehicle Owner/Operator" shall mean and include any person, firm, corporation, company, partnership, and/or other entity having any ownership of, rights in, title to, interest in, operation of and/or apparent control in or of a vehicle (as defined herein); and shall be deemed to include any person having apparent authority to act for such owner, including an employee, agent or occupant of such vehicle.

Section 4: Charges for Fire/Rescue Protection

Any person, vehicle owner/operator and/or entity, including any owner of such, who has received any fire protection, rescue and/or emergency service/s that is not a Riley Township property owner or resident, shall be responsible for, and obligated to pay for, the costs thereof and charges therefore. The obligation hereunder shall be joint and several among and between the responsible parties. The Township Board of Trustees shall, by resolution, determine the costs and/or charges which shall be charged and collected for specific fire protection, rescue and/or emergency services, which charges shall reasonably compensate the Township of Riley for the costs of providing such services. Any and all such services performed and/or provided, anywhere within the boundaries and/or jurisdiction of the Township of Riley, shall be considered to be governed by this Ordinance. The Riley Township Board of Trustees will and shall also have the authority to waive the payment for such charges in cases of extreme hardship, and upon a showing of evidence substantiating the same.

Section 5: Time for Payment for Run

All of the foregoing charges and costs shall be due and payable within Thirty (30) Days from and after the date the service is rendered, and in default of payment shall be collectible through a collections agency that the township has contracted. In the event that the vehicle owner/operator and/or other responsible person and/or entity shall fail to receive any bill or statement rendered by the township for the services as provided herein, it shall not relieve the said vehicle owner/operator and/or other responsible person and/or entity from the liability for, and the responsibility for, the charges and/or costs incurred, and/or may incur for any services so provided by such other governmental bodies to, or for the benefit of, the said vehicle owner/operator and/or other responsible person and/or entity.

Section 6: Collection Procedure

The township clerk, or other township official or employee as directed by the township board, shall prepare, and mail by First Class Mail, a statement setting forth the following: The name/names of the vehicle owner/operator and/or other responsible person and/or entity, if known; the property address; the description of the vehicle/s, if applicable; the date the service/s was rendered; a description of the services rendered for which payment is being requested; the amount of the charges; and the date by which payment is due. If payment is not received pursuant to the township's notice, then collection proceedings shall be commenced as herein provided. The Township of Riley may also use the services of a private collection agency to collect fees under this Ordinance.

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 fire protection, rescue and/or emergency services, but shall only be supplemental thereto. Charges may additionally be collected by the Township of Riley through general taxation after a vote of the electorate

approving the same or by a special assessment established under the Michigan Statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

Section 8: Multiple Property Protection

Where a particular fire protection, rescue and/or emergency service, as rendered, directly benefits more than one person, or vehicle/s the vehicle owner/operator of any vehicle/s so benefited, and each person and/or entity so benefited, where property protection is not involved, shall be liable for, and responsible 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 Clerk, subject only to appeal within the time limits for payment, to the Township Board, and shall be administered so that charges shall only be collected from the recipients of the service.

Section 9: Severability

This ordinance, and each article, section, sub-section, paragraph, sub-paragraph, part, provision, sentence, word or portion thereof is hereby declared to be severable; and 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 10: Repeal, Effective Date and Adoption

- A. REPEAL - All regulatory provisions contained in other township ordinances, which are inconsistent with or in conflict with the provisions of this ordinance, are hereby repealed; and in particular the existing Riley Township Fire Protection Ordinance, being Ordinance No. 12, is repealed, except that the adoption of this ordinance shall not in any way prevent, interfere with and/or affect any cases presently pending in court under the present Riley Township Ordinance No. 12.
- B. EFFECTIVE DATE – This ordinance shall become immediately effective on the date of its publication.
- C. ADOPTION – This Ordinance was adopted by the Riley Township Board at a regular meeting thereof held on the 5th day of February, 1996.

LINDA WADDY,
Township Clerk
Township of Riley

CERTIFICATION BY CLERK

I hereby certify that the following Riley Township Fire Protection and Rescue Charges Ordinance, ordinance No. 38, was duly adopted by the Riley Township Board at a Regular meeting thereof held on the 5th day of February, 1996 and was ordered published by the Riley Township Board.

LINDA WADDY,
Township Clerk
Township of Riley

Published in THE VOICE
Publication Date: 2/14/1996

D. AMENDMENT – This ordinance was amended by the Riley Township Board at a regular meeting thereof held on the 6th day of August, 2019.

Deborah Rhein, Riley Township Clerk

CERTIFICATION BY CLERK

I hereby certify that the following Riley Township Fire Protection and Rescue Charges Ordinance, ordinance No. 38, was duly amended by the Riley Township Board at a regular meeting thereof held on the 6th day of August, 2019 and was ordered published by the Riley Township Board.

Deborah Rhein, Riley Township Clerk

Published in the North Macomb Voice
Publication Date: 8-21-2019