

**HARTFORD TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 44

ADOPTED: February 8, 2018

EFFECTIVE: February 13, 2018

An Ordinance to establish fees for certain Township emergency services; to provide methods for the collection of such fees; to provide for exemptions therefrom; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF HARTFORD
VAN BUREN COUNTY, MICHIGAN**

ORDAINS:

SECTION I
TITLE

This Ordinance shall be entitled the "Hartford Township Fire and Emergency Services Fee Ordinance".

SECTION II
PURPOSE

This Ordinance is adopted for the purpose of partially financing certain specified types of fire and emergency services enumerated herein furnished to persons who are neither residents nor owners of real property in Hartford Township and therefore not subject to taxes or special assessments and to also help defray the costs of providing certain other specified types of fire and emergency services from those receiving direct benefits from those services.

SECTION III
FIRE AND EMERGENCY SERVICES FEE

A recipient or beneficiary of any of the enumerated fire emergency services set forth in Section IV of this Ordinance rendered in Hartford Township by or on behalf of the Hartford Fire Department (made up of City of Hartford and Hartford Township and directed by a Joint Administrative Board) (hereinafter "Fire Department") in Hartford Township shall be responsible for payment to Hartford Township of a fire and emergency services fee for the actual cost of providing such services in accordance with the provisions of this Ordinance, including, but not limited to, costs incurred for incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall include, but are not limited to:

- A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.
- B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. This resolution

may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.

- C. Other expenses incurred by the Township, including but not limited to, rental or purchase of additional machinery or equipment, retention of consultants, medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the incident.
- D. Additional charges imposed by any other local, state or federal government entities, related to the incident.
- E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures, which shall not exceed 25% of the foregoing costs.

SECTION IV

SERVICES FOR WHICH FIRE AND EMERGENCY SERVICES FEE IS IMPOSED

A fire and emergency services fee calculated in accordance with Section III of this Ordinance shall be imposed for Fire Department and other Township services rendered, including stand-by services, in response to the following types of emergency incidents causing attendance of Fire Department personnel and/or equipment:

- A. False alarm (i.e., an emergency services call to a site when no actual emergency exists), if there have been three (3) or more prior false alarm calls to the same property within the past year.
- B. Incident involving spills onto a public or private road by a vehicle or trailer of non-hazardous materials [i.e., materials that are not "hazardous materials" as defined under the Hartford Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 27) of such quantity as to require Fire Department assistance in either removing the material from the road or in limiting access to the road until the material is removed.
- C. Fires caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under Part 72 of PA 368 of 1968, as amended, and MCL 333.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance.
- D. Emergency Fire Department stand-by requested by the Van Buren County Sheriff's Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under Part 72 of PA 368 of 1968, as amended, and MCL 333.7104(2) is being illegally kept or produced.
- E. A vehicle accident involving a vehicle owned by a party who neither resides in the Township nor owns real property within the Township. Notwithstanding Section VIII, the imposition of a fire emergency services fee for response to this type of incident shall be limited to those beneficiaries that neither own real property within the Township nor reside within the Township.
- F. A grass, brush or debris fire or bonfire not authorized or permitted by Township ordinance or by any required permit from the Fire Department.
- G. A fire or potential fire caused by a fireworks display not authorized or permitted by Township ordinance or state statute.

- H. A fire caused by proven or admitted arson by the owner of the premises or item subject to the fire.
- I. An incident involving downed power lines. Emergency service personnel-related charges for this type of incident shall commence after the first hour the Fire Department has responded to the incident and shall continue until all Township personnel have concluded personnel-related responsibilities.

SECTION V
BILLING PROCEDURES

Following the conclusion of the emergency incident, the Hartford Fire shall submit a detailed listing of all known expenses to the Township Clerk, who shall prepare an invoice to the responsible party(ies) for payment. The Clerk's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Hartford Fire Chief following the transmittal of the bill to the responsible party(ies) shall be billed in the same manner on a subsequent bill to the responsible party(ies). For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof.

SECTION VI
EXEMPTION

All federal, state, county, municipal and other public bodies shall be exempt from the foregoing fee.

SECTION VII
NON-EXCLUSIVE FEE

The foregoing fee shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a Fire Department, but shall only be supplemental thereto. Monies may additionally be collected by the Township through general taxation after a vote of the election 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. The fees imposed under this Ordinance shall be deemed supplemental to the separate charges imposed under the Hartford Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 27) for Fire Department responses to incidents involving the release or threatened release of hazardous materials as defined under that ordinance.

SECTION VIII
MULTIPLE BENEFICIARIES

When a particular emergency service of the type enumerated in Section IV benefits more than one person or property, the owner of each property so benefited and each person so benefited shall be 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 Fire Chief subject only to appeal, within the time limits for payment, to the Hartford Township Board and shall be administered so that fees shall only be collected from the beneficiary(ies) of the service. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that (1) caused the incident requiring Fire Department services, (2) is an owner and/or occupant or party in control of property from which the materials involved in the incident were released or spilled, (3) is the owner or lessee of the vehicle or trailer from which the materials involved in the incident were released or spilled, (4) is the owner of the materials involved in the incident which were released or spilled, and (5) in the case of an incident involving a false alarm call, the owner and/or lessee of the property which was the subject of the call.

SECTION IX
VIOLATION AND SANCTIONS

Any person or entity who neglects or refuses to pay the foregoing fire and emergency services fee within forty-five (45) days of the billing for the same shall be deemed to have committed a municipal civil infraction as defined by Michigan statute and shall be punished by a civil fine in addition to the payment of the required fee in accordance with the following schedule:

\$100.00 for each day that the aforesaid fee remains unpaid after the due date thereof but not to exceed \$500.

Additionally, the violator shall pay costs which may include all expenses direct and indirect which the Township of Hartford has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

In addition to the above, the Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect fees imposed under this Ordinance. The recovery of fees imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

SECTION X
SEVERABILITY

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 enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION XI
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall be deemed supplementary to the Hartford Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 27).

SECTION XII
EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication after adoption.

Julie Sweet, Clerk
Township of Hartford

Certification

I hereby certify that the foregoing is a true and complete copy of the Hartford Township Fire and Emergency Services Fee Ordinance adopted by the Hartford Township Board at a meeting held on the 8th day of February, 2018, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meeting Act, Act No. 167 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: February 22, 2018

Julie L. Sweet, Township Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the Herald Palladium, Benton Harbor, Michigan, on the 13th day of February, 2018.

Julie L. Sweet, Township Clerk