

ORDINANCE
THE TOWNSHIP OF POWELL,
MARQUETTE COUNTY, MICHIGAN

AN ORDINANCE TO ESTABLISH CHARGES FOR THE TOWNSHIP OF POWELL VOLUNTEER FIRE DEPARTMENT SERVICES WHEN THE DEPARTMENT RESPONDS TO EMERGENCY INCIDENTS AND/OR EXCESSIVE FALSE FIRE ALARMS, AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES.

THE TOWNSHIP OF POWELL, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

In order to protect the Township of Powell from incurring extraordinary expenses resulting from the utilization of Township resources in responding to emergency incidents and/or excessive false fire alarms, the Powell Township Board authorizes the imposition of charges to recover reasonable and actual costs incurred by the Powell Township Fire Department in responding to calls for assistance in connection with emergency incidents and/or excessive false fire alarms.

Section 2: Definitions

A. Emergency Incidents.

“Emergency Incidents” include, but are not limited to, vehicular accidents, vehicle/pedestrian accidents, fire suppression service, false alarms, etc..

B. Excessive False Fire Alarms.

“Excessive false fire alarms” include, but are not limited to, any and all automatic suppression, automatic detection, and/or malicious false alarms over three (3) in any one (1) calendar year in which elements of the Powell Township Fire Department have responded only to find that an incident requiring the immediate services of the Powell Township Fire Department does not exist.

C. Responsible/Involved Parties.

“Responsible/involved parties” includes, but are not limited to, any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity that is responsible for or involved in emergency incidents and/or excessive false fire alarms.

Section 3: Charges Imposed Upon Responsible/Involved Party.

When the Powell Township Fire Department responds to calls for assistance in connection with emergency incidents and/or excessive false fire alarms, the actual costs incurred by the Township in responding to such calls shall be imposed upon responsible/involved parties, including, but not limited to:

- A. \$400.00 per hour, or fraction thereof, for each pumper required in the opinion of the officer in command, to stand by at the emergency incident and/or false fire alarm. For each hour, or

fraction thereof, that the pumps are activated, an additional sum of \$300.00 per hour shall be charged.

- B. \$250.00 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the emergency incident and/or false fire alarm.
- C. \$200.00 per hour, or fraction thereof, for each additional Powell Township Fire Department vehicle required, in the opinion of the officer in command, to be utilized in responding to the emergency incident and/or false fire alarm.
- D. All personnel-related costs incurred by the Township of Powell as a result of responding to the emergency incident and/or false fire alarm. Such costs may include, but are not limited to, wages and salaries for fire personnel. . Such personnel-related charges shall commence upon dispatch of Powell Township Fire Department elements in response to the emergency incident and/or false fire alarm, and shall continue until all Department personnel have concluded emergency incident related responsibilities.
- E. Other expenses incurred by Powell Township in responding to the emergency incident, including but not limited to, rental of machinery or equipment, legal fees, and the replacement costs related to disposable personal equipment, extinguishing agents, supplies, water purchased from municipal water systems, and meals and refreshments for personnel while responding to the emergency incident.
- F. Charges to the Township imposed by any local, state, or federal government entities related to the emergency incident.
- G. Costs incurred in accounting for all emergency incident-related expenditures, including billing and collection costs.

Section 4: Billing Procedures.

Following the conclusion of an emergency incident and/or excessive false fire alarm, the Powell Township Fire Chief shall submit a detailed listing of all known expenses to the Township Clerk, who shall prepare an invoice to the responsible/involved parties for payment. The Clerk's invoice shall demand full payment within sixty (60) days of receipt of the bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the bill to the responsible/involved parties shall be billed in the same manner on a subsequent bill to the responsible/involved parties. For any amounts due that remain unpaid after sixty (60) days, the Township shall impose a late charge of one and one-half percent (1.5%) per month, or fraction thereof.

Section 5: Other Remedies.

The Township of Powell may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The

recovery of charges imposed under this Ordinance does not limit liability of responsible/involved parties under local ordinance or state or federal law, rule, or regulation.

Section 6: Severability

Should any provision or part of this 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 7 Hardship Cases

Should the Board determine that an involved party is considered a financial hardship case they may wave all changes.

Section 8: Effective Date.

This ordinance shall take effect immediately. All ordinances or parts of ordinances in conflict are hereby repealed.

Linda H. Gamble 7/23/13
Linda Gamble, Clerk

Darlene Turner
Darlene Turner, Supervisor

ADOPTED: 7/23/13

EFFECTIVE DATE: 7/23/13

POSTED: 8/11/13

DATE FILLED WITH COUNTY CLERK: 9/1/13