

**KOYLTON TOWNSHIP  
FIRE CHARGES ORDINANCE**

*An Ordinance to protect the public health, safety, and general welfare by establishing and collecting charges for fire protection services rendered to property and persons located within Koylton Township, Tuscola County, Michigan; to provide methods to collect those charges; to provide exemptions therefrom; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.*

**THE TOWNSHIP OF KOYLTON ORDAINS:**

**ARTICLE I. Title.** This Ordinance shall be known and cited as the Koylton Township Fire Charges Ordinance.

**ARTICLE II. Purpose and Preamble.** The purpose of this Ordinance is to provide partial financing of activities and costs incurred to provide fire protection services to residents and visitors of Koylton Township. The source of the partial financing will be from those receiving fire protection services in Koylton Township by a service provider that works for the Township or is contracted to provide services within the Township such as a neighboring fire department.

The Township is authorized by 1945 Public Act 246, as amended, MCL 41.181, to adopt ordinances regulating the public health, safety, and general welfare of persons and property. The Township is also authorized by 1951 Public Act 33, as amended, MCL 41.806a, to establish and collect charges for providing fire protection and related services within the Township.

**ARTICLE III. Charges for Fire Department Services**

**A. Authority to Charge.** The Township is hereby authorized to charge all persons or entities in the Township that directly receive the benefit of the fire protection services as forth in Article III(B) of this Ordinance below.

**B. Services for Which Charges May Be Levied.** The services for which the Township may collect charges under this Ordinance are as follows:

1. Responding to an incident with fire apparatus or equipment, including, without limitation, fire engines, tanker trucks, grass trucks, rescue unit rigs, Jaws of Life, and other specialized equipment.
2. Firefighters who respond to an incident.
3. Materials and water used in a response to an incident.
4. False alarms over two within 60 days at any single location.
5. Billing and collections.

6. All other fire protection services clearly delineated in a fee schedule adopted by resolution of the Koylotn Township Board.

C. Amount of Charges. The Township may recover an appropriate fee in an amount established by the Township Board by resolution to recover the cost of providing such fire protection services within the Township. The Township Board may review the established charges from time to time and revise them as necessary to recover the reasonable expenses related to each of the services.

**ARTICLE IV. Payment of Charges.** All charges established by this Ordinance and set by Township resolution are due and payable within 30 days from the date the services are billed. Where one is in default of payment, the Township may collect the charges due as provided herein.

**ARTICLE V. Exemptions.** The following properties and services are exempt from the charges set by this Ordinance:

1. False alarms less than three within 60 days at any single location;
2. Fires caused by railroad trains that are the specific statutory responsibility of a railroad company; and
3. Fires involving Township-owned property.

**ARTICLE VI. Collecting Charges.** The Township Board delegates the authority and responsibility for billing and collecting charges under this Ordinance to the Township Clerk. In their discretion, the Township Clerk may appoint a "collecting entity" to bill and collect charges under this Ordinance on their behalf, which may include a public entity that the Township contracts with to perform fire protection services within the Township (e.g., a neighboring township's fire department). Where there is a failure to pay amounts billed, the Township may proceed in a court of proper jurisdiction to collect unpaid amounts, as well as pursuing any and all other remedies provided by law to collect those charges. The Township Board reserves the right to waive charges in hardship cases or other circumstances the Township deems appropriate.

**ARTICLE VII. Non-Exclusive Charges.** The charges set by this Ordinance are not exclusive of the charges that the Township may make to recover the costs and expenses of providing fire protection services; rather, those charges are supplemental thereto. Additionally, charges may be collected by the Township through general taxation by procedures provided by law or by special assessment established as provided by law. General Fund appropriations may also be made to cover such additional costs and expenses.

**ARTICLE VIII. Multiple Property Protection.** When rendered Township fire protection services directly benefit more than one person or property, the owner of each property and each person so benefitted where property protection is involved is liable for the payment of the full charge for such services. The Township delegates the authority to interpret and apply this Article to the Township Clerk or their designee (such a representative of a fire department providing the

Township fire protection services) and such decisions are final, subject only to written appeal within ten days to the Township Board. This article is to be administered so that charges are only collected from the recipients of the service, the owners of property receiving services, or their respective insurance carriers.

**ARTICLE IX. Severability.** If any provision or part of this Ordinance is declared by any court of competent jurisdiction to be invalid or unenforceable, that declaration does not affect the validity or enforceability of the balance of this Ordinance and the balance of this Ordinance remains in full force and effect.

**ARTICLE X. Repealer.** This Ordinance repeals all ordinances or parts of ordinances as well as resolutions or parts of resolutions, in conflict herewith.

**ARTICLE XI. Effective Date.** This Ordinance will become effective immediately after publication in a newspaper of general circulation within Koylton Township.

We, the undersigned, do hereby certify that the above Koylton Township Fire Charges Ordinance was duly adopted by the Koylton Township Board, at which meeting a quorum was present.

Doug Kramer Doug Kramer, Township Supervisor

Melissa Kelly Melissa Kelly, Township Clerk