

ORDINANCE NO. 1
CARMEL TOWNSHIP FIRE CHARGES ORDINANCE

ADOPTED: June 19, 1980
Amended: June 17, 1982
Effective: Aug. 1, 1982
Amended: June 18, 2024
Effective: Aug. 1, 2024

An ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951 as amended (Compiled Law 41.801 at. seq.), to provide methods for the collection of such charges and exemptions therefrom to require prior notice of burning conducted in an open, outdoor area with the Township and provide penalties for the violation of said notice requirement, and to repeal all ordinances or parts of ordinances in conflict therewith.

SECTION 1. PURPOSE

This ordinance is adopted to enable the Township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection and other emergency services provided by the Township. It is the further purpose of the ordinance to provide for full funding of the Township's fire protection and other emergency services which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township.

SECTION 2. CHARGES

- (1) The Township Board, by resolution, may establish a schedule of fees to be charged to a recipient of any fire or other emergency services provided by the Township. These charges shall apply to all fires on private property within the Township to which the Township Fire Department, or other entity authorized by contract to provide fire protection services within the Township, is called to fight the fire or provide emergency services at the scene of the fire. The property owner is responsible for any such charges. The Township is the responsible for billing residents who receive such services and for collecting payment. The Township Board at any time may increase or decrease the charges as it deems necessary, based upon the costs of providing this service.
- (2) Charges shall be reasonably based on the actual cost of providing the service involved and that which is usual, customary and reasonable. The schedule of charges will be reviewed annually at the regular meeting.
- (3) The Township Fire Department, or other entity authorized by contract to provide fire protection services within the Township, is responsible for providing the Township with the information necessary for the Township to bill the recipient of services.

SECTION 3. TIME FOR PAYMENT FOR RUN

All of the foregoing charges are due and payable within 90 days from the date the bill is issued and, in default of payment, are collectible through proceedings in any court of competent jurisdiction as a matured debt. Interest for unpaid charges shall accrue at a rate of one percent (1%) per month beginning the first day for which payment of the charges is late.

SECTION 4. EXEMPTIONS

The following properties and services shall be exempt from the foregoing charges:

- A. False alarms made with respect to burning conducted in an open outdoor area only if prior notice of the date, time and location of the open burning is given to the Township clerk and the person responsible for the open burning has a valid open burning permit.
- B. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies.
- C. Fires involving Township-owned buildings, grounds or property.
- D. Fire service performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining municipality.

SECTION 5. NON-EXCLUSIVE CHARGE

The foregoing rates and charges are not the only charges that may be made by the Township for the costs and expenses of providing fire protection and other emergency services. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by a special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

SECTION 6. MULTIPLE PROPERTY PROTECTION

Where a particular service rendered by the Township Fire Department, or other entity authorized by contract to provide fire protection services within the Township, directly benefits more than one person or property, the owner of each property so benefited, and each person so benefited where property protection is not involved, is responsible for the full charge for such service. The interpretation and application of this section is delegated to the Township Board, 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 7. BURNING PERMITS

Any person conducting burning in an open outdoor area within the Township shall give prior notice of the responsible party, telephone number, time, date and location of such open burning to the Township Clerk. Upon receipt of this information, the Township Clerk may issue a burning permit if weather conditions permit open burning. However, a recreational bonfire does not require a burning permit so long as the following conditions are met:

- A. Bonfires must be 50 feet from lot lines and 25 feet from structures in an enclosed area such as rocks or fire pit.

- B. The wood burned in a bonfire must be seasoned, dry wood. No green wood, brush, lumber or other material may be burned. Burning of building demolition is not allowed.
- C. The fire or smoke from the bonfire must not adversely affect neighbors or the public.
- D. The bonfire must not cause any general safety hazards.

Any person issued a burning permit by the Township Clerk must retain the permit and must present the permit to any fire authority representative public safety officer upon demand.

SECTION 8. 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 validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION 9. SAVINGS CLAUSE. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 10. NOT A PROPRIETARY FUNCTION.

This Ordinance and the providing of firefighting services by the Township, either directly or pursuant to Township contract with another entity, to its property owners, residents or others shall not in any way be deemed to be considered a proprietary function, as the charges being made for the service shall at all times be related to the direct cost to the Township in providing the firefighting service. The fire department and the fire protection service provided by the Township either directly or pursuant to Township contract with another entity shall at all times be considered to be a governmental function of the Township for which it shall remain immune from negligence actions or suits pursuant to Michigan Law.

SECTION 11. REPEALER; EFFECTIVE DATE

This Ordinance shall, take effect August 1, 2024. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance becomes effective one day after publication.

Moved by Trustee Dan Rasey, seconded by Trustee Deb Montgomery, approved 5 yeas and 0 nays. This 18th day of June, 2024.

Roll Call Vote: Trustee Montgomery, Yea; Trustee Ramsey, Yea; Clerk Underwood, Yea; Supervisor Willard, Yea; Treasurer Wise, Yea.

The foregoing resolution was duly adopted at a regular meeting of the Carmel Township Board held on the 18th day of June, 2024.

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Supervisor of Carmel Township

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Clerk of Carmel Township