

**Township of Marlette**

**Fire Run / Emergency Services Ordinance**

**Ordinance No. 2009-2**

An ordinance to establish charges for fire department services pursuant to Public Act 33 of 1941, as amended, MCL 41.801 et seq., to establish financial responsibility for said charges and to provide charges for false alarms and to establish a method of collection.

The Township of Marlette Ordains:

**Section 1. Title**

This ordinance shall be known as the Fire Run / Emergency Services Ordinance.

**Section 2. Definitions**

As used in this ordinance the following terms shall have the following meanings:

**Alarmed Premises.** Any building, property or premises equipped with an alarm system.

**Alarm System.** An assembly of equipment and devices arranged to signal the presence of a hazard requiring the attention of the fire department.

**Automated False Alarm.** A signal sent by an alarm system for the purpose of summoning the fire department to respond to a hazard when, in fact, the service called for is not needed.

**False Alarm.** A request, sent by a means other than an alarm system, for the fire department to respond to a hazard when, in fact, the service called for is not needed.

**Fire Department.** The Marlette Fire Authority.

**Responsible Party.** The owner(s), lessee(s), or possessor(s) of real property to or for which emergency or non-emergency services or the owner(s), lessee(s), or possessor(s) of personal property to or for which emergency or non-emergency services are provided if different from real property.

**Section 3. Charges.**

The charges for responding to emergency, non-emergency services and automated false alarms shall be established by resolution duly adopted by the Marlette Township Board, which may be amended from time to time as necessary. The charges for these services (set by the Marlette Township Board by resolution) may differ for properties located within Marlette Township compared to those properties located outside Marlette Township.

#### **Section 4. Exemptions.**

The following actions shall not be charged to the property owners upon which such action occurred:

- a. False alarms. Responses to automated false alarms remain subject to charge under this ordinance unless such responses occur as described in Subsection D or E of Section 4.
- b. Service involving Township building, grounds, and / or property;
- c. Services performed outside Marlette Township under a mutual aid contract with another municipality;
- d. Automated false alarms caused by a test, repair or maintenance of the alarm system provided the Township is given prior notice of said test, repair or maintenance; and
- e. Automated false alarms caused by verified damage to public utility lines.

#### **Section 6. Statement for Services.**

Any charges remaining unpaid 90 days after the date of mailing the first billing shall be considered delinquent and a service charge at a rate equal to the rate charged by the Sanilac County Treasurers for delinquent taxes shall be added to said delinquent charge.

#### **Section 7. Collection Procedure.**

The Township may proceed in a court of competent jurisdiction, including the Small Claims division of the District Court, against the responsible party to collect all delinquent charges. In the event of such action, the responsible party(s) shall also be liable to the Township for all of its costs related to collection including collection agent fees and reasonable attorney fees.

#### **Section 8. Joint and Several Responsibility.**

If there is more than one responsible party, each responsible party shall be liable for all charges assessed pursuant to this ordinance. However, the total amount collected from all responsible parties shall not exceed the total charge for services.

#### **Section 9. Severability.**

Should any part or provision of this ordinance be declared to be invalid or unenforceable by a court of competent jurisdiction, said declaration shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

**Section 10. Burning Permits.**

Normally only a property owner may obtain a burning permit however a third party may apply and receive a burning permit with written authorization from the owner which describes in sufficient detail awareness or the property owner of the extent of the proposed burning.

**Section 11. Effective Date.**

This ordinance shall take effect the day after publication.

The undersigned Supervisor and Clerk of the Township of Marlette hereby certifies that this Ordinance was adopted by the Township Board at a meeting duly held on the 10th day of November, 2009 and was published in the Marlette Leader on the 23rd day of December, 2009. This ordinance became effective upon the date of publication.

Kirk F. Dale Sr  
Kirk F. Dale Sr., Supervisor

Marge Heussner  
Marge Heussner, Clerk