

**LIMA TOWNSHIP  
ORDINANCE NO. 6 D  
(replacing No. 6 C)**

**TO ADOPT A COST RECOVERY ORDINANCE**

**LIMA TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:**

Purpose.

An ordinance to enable Lima Township to bill for and collect the cost of providing fire protection and emergency medical services from those receiving direct benefits from such service; to provide for full funding of the fire protection and other emergency medical services which remain, in large part, an at-large governmental expense based upon the general benefits derived by all persons within Lima Township from the availability of fire protection and emergency medical services pursuant to Public Act No. 33 of 1951 (MCL 41.801 et seq.), Public Act No. 57 of 1988 (MCL 124.601 et seq.), and Public Act No. of 1967, extra sessions (MCLA 124.501 et seq.).

Delegation to the Chelsea Area Fire Authority.

The board of the Chelsea Area Fire Authority (the "Authority"), created under Public Act No. 57 of 1988 (MCL 124.601 et seq.) (the "Act") and the articles of incorporation of said Authority to which Lima Township is a constituent or associated member, is hereby granted the right to establish, determine, revise, increase or decrease uniform just and reasonable rates, fees and charges for fire protection and suppression and emergency medical services from time to time; to establish and determine different uniform rates, fees and charges for fire protection and suppression and emergency medical services for separate classes of users, based upon the type of incident, structure, vehicle, cause, service provided, environmental response, or other reasonable distinctions and bases involved. The Authority shall bill and collect on behalf of Lima Township, the fees, charges and rates so established from the persons and properties benefited. The Authority is authorized to deliver or cause to be delivered statements and billings to the persons and owners liable for the charges and fees. Delivery may be done by regular mail to the last known address of the persons or owners liable and a statement shall be conclusively presumed delivered as of the date it is deposited into the United States mail, addressed to such persons and owners.

When a particular fire protection or other emergency service rendered by Lima 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 liable for the payment of the full charges for such service. The Authority is authorized to divide the statement among the persons or owners in equal pro rata shares or some other fashion, or to submit a statement as a single joint, several and undivided liability to all persons and owners involved, in the discretion of the Authority.

Benefited persons and properties.

Fees and charges for fire protection and emergency medical services shall be a charge against the owners of personal or real property to which the services are rendered per incident and to the benefited persons. For purposes of this Ordinance, benefited persons includes, but is not limited to:

- 1) A person who receives emergency fire, medical or transportation or rescue services or other benefit from an emergency response; or
- 2) A person whose intentional or negligent actions or omissions created the need for the emergency response and from which the person or his property benefited; or
- 3) A person who is convicted or found responsible for a violation of law necessitating the emergency response; or
- 4) A person who makes a "false alarm," which is defined as an incident where there was no cause for an alarm and the request for services is initiated by any action or omission of the person or owners to whom the services are requested.

The fees and charges shall include Lima Township's costs, current expenses and accrued fund charges, whether provided by contract, special assessment, general taxation, or contributions to the Chelsea Area Fire Authority, of fire protection and emergency medical services, plus the costs of administering this Ordinance. Where more than one property or person is involved or where there is more than one person who owns an individual property, all persons to whom services are rendered and all owners of properties benefited by such services shall be jointly and severally liable for the fees and charges.

Time for payment.

All of the costs and expenses accrued pursuant to this Ordinance shall be due and payable from the date of delivery of the statement for the service rendered and in default of payment shall be collectible through proceedings in the district court or any other court of competent jurisdiction on a complaint filed by the Authority as a mature debt. In addition thereto, the Authority is authorized to seek and collect the actual attorney fees and costs of collection. All statements are due 60 days from delivery. After 60 days, unpaid statements shall bear interest at 12 percent per annum until paid.

Exceptions.

The following properties and services shall be exempt from the foregoing charges: fire protection services involving Lima Township owned buildings, grounds and/or properties.

Appeals.

Any person may appeal any statement of charges by filing a written appeal. The appeal shall be filed and received at the Authority's offices within 20 days after delivery of a statement. The Authority shall notify the person or representative making the appeal of a time, place and date of hearing on the appeal. The person making the appeal may appear in person or through a representative. The appeal shall be determined by the Authority board. The Authority board is authorized, in the discretion of the Authority board, to waive or reduce a statement of charges:

- 1) Where there is unnecessary hardship or undue economic burden on the persons or owners liable for the charges.
- 2) Where the rendition of service was made in error at the request of a person or persons other than those liable for the charges, and there was no benefit given or received by the services.
- 3) Where there are other extenuating circumstances beyond the control of the persons liable and there was no benefit given or received by the services. The decision of the Authority board shall be in writing and shall be final.

Nonexclusive charge.

The rates and charges are not the only charges that may be made by Lima Township for the costs and expenses of providing fire protection and emergency medical. Charges may additionally be collected by Lima Township through general taxation after a vote of the electorate approving the same or by 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.

Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Effective Date.

This Ordinance shall take effect following publication in the manner prescribed by law.

Repealer.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Savings

Clause.

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Adoption.

That this ordinance was duly adopted by Lima Township Board at its regular meeting called and held on February 8, 2016 and was ordered given publication in the manner required by law.

LIMA TOWNSHIP

Elaine Bater  
Lima Township Clerk

Adoption Date: February 8, 2016

Publication Date: February 24, 2016

Effective Date: March 4, 2016