

**PUBLIC SAFETY**

**95.000      FIRE SERVICES FEES ORDINANCE  
ORDINANCE NO. 178**

Adopted:        December 10, 2001  
Effective:      December 17, 2001

An Ordinance to establish fees for fire protection services rendered in response to certain repetitious false fire alarms, certain fire alarms due to avoidable negligence, and alarms for certain utility incidents, under Michigan Public Act 33 of 1951 as amended (MCLA 41.806a *et seq.*), and PA 359 of 1947, as amended (MCLA 42.20); to designate the persons responsible for payment of such fees; to provide methods for the collection of such fees; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**A.      Title**

This Ordinance shall be known and cited as the Cooper Charter Township Fire Protection Services Fees Ordinance.

**B.      Purpose**

This Ordinance is adopted for the purpose of requiring financial assistance to the Township from those receiving direct benefits from the availability of fire protection services provided by the Township in response to repetitious false fire alarms, certain other fire alarm situations involving avoidable negligence, and alarms for certain utility incidents.

**C.      Definitions**

1.        For purposes of this Ordinance, the term "person" shall mean an individual, partnership, corporation, firm, or any other type of legally recognizable entity.
2.        For the purposes of this Ordinance, the term "utility incident" shall mean a hazard posed by any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, natural gas, communication or electronic signals, water, or sanitary or storm sewage. A "utility incident" includes, but is not limited to, downed power lines, arced power lines, and gas leaks.

**D.      Fees for Repetitious False Alarms and Certain Other Situations Involving Avoidable Negligence**

Any person who is the owner of/in possession of any land, building, utility, or structure to which fire protection services are provided by the Cooper Charter Township Fire Department, independently or jointly with other fire departments, shall be liable to Cooper Charter Township for the full actual cost to the Township of providing such services, including labor, equipment, and material, in any of the following situations:

1. Where the Cooper Charter Township Fire Department responded to a fire alarm which was determined by the Cooper Charter Township Fire Chief to have been a false alarm, and the Cooper Charter Township Fire Department has responded to a false alarm at the same property within the preceding six-month period.
2. Where the Cooper Charter Township Fire Department responded to a fire alarm involving a fire which was determined by the Cooper Charter Township Fire Chief to have been caused by the avoidable negligence of the property owner or party occupying the premises in disregard of prior written corrective recommendations from the Cooper Charter Township Fire Department.
3. Where the Cooper Charter Township Fire Department responded to an alarm for a utility incident involving a utility that is not owned by Cooper Charter Township, provided that the Cooper Charter Township Fire Department determined that it was necessary to secure the scene or surrounding area or to provide other response services to protect the health, safety, and welfare of Township residents.

**E. Time for Payment**

It shall be the responsibility of the Township Clerk to send a bill to the responsible party(s) by First Class Mail as soon as practicable after the services are rendered. Such fees shall be due and payable within 30 days of the date the bill is mailed. In the event of default in payment, the amount due shall be collectible through proceedings in District Court or in any other court of competent jurisdiction as a matured debt.

**F. Appeal to Township Board**

Any person receiving a bill for fire protection services pursuant to this Ordinance may, within the time limits for payment, file an appeal with the Township Board for a determination concerning whether and to what extent that person is responsible for payment.

**G. Non-Exclusive Fees/Supplementary Railroad Fire Remedy**

The foregoing fees shall be considered supplemental to other methods of financing fire protection services, alone or jointly with another municipality, such as general ad valorem taxation, special assessments, general fund appropriations, and any such other methods of financing such services as may be provided by law.

The provisions of this Ordinance shall also be supplemental to all remedies of the Township against railroad companies operating within the Township for fires caused by said railroad operations as provided by state statute, and shall not be in substitution or derogation of such statutory remedies.

**H. Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**I. Effective Date and Repealer Clause**

This Ordinance took effect on December 17, 2001. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

*[Amended by Ord. No. 212, Eff. 04/20/2009]*