

**CITY OF MCBAIN
FIRE CHARGES ORDINANCE
Ordinance No. #193 of 2018**

AN ORDINANCE TO ESTABLISH CHARGES FOR CERTAIN FIRE PROTECTION SERVICES PURSUANT TO ACT 33 OF THE PUBLIC ACT OF 1951, AS AMENDED (MCL 41.801 *ET SEQ*), TO PROVIDE EXEMPTIONS FROM THOSE CHARGES, AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES

THE CITY OF MCBAIN HEREBY ORDAINS:

Section 1. Purpose.

This Ordinance is adopted for the purpose of providing financial assistance to the City of McBain in the operation of its fire department, the McBain Community Fire Department, a fire department for the Townships of Riverside and Richland, and the City of McBain, pursuant to the MCFD Joint Fire Department Agreement Dated April 2, 1988, (hereinafter the "McBain Community Fire Department"), which provides fire protection service within the city. This financial assistance, however, is not intended to provide full funding of the fire department operations which remain, in large part, funded by extra-voted millage based upon the general benefits derived by the owners of all real property within the city for the existence of the McBain Community Fire Department and its availability to extinguish fires within the city and to perform other emergency services.

Section 2. Charges.

The McBain City Council shall establish by resolution a charge for the following fire protection services in an amount calculated to cover the actual expenses associated with fire trucks and fire fighters responding to a fire protection services call or the use of non-reusable fire suppression equipment, including foam or chemicals, at a fire protection services call:

- A. Grass fires.
- B. Rubbish fires.
- C. Automobile fires.
- D. House fires.
- E. Fires in commercial establishments.
- F. Fires in industrial or manufacturing establishments.
- G. Hotel or motel fires.

- H. Aircraft fires.
- I. Truck fires.
- J. Forest fires.
- K. Emergency rescue services.
- L. Protecting the property of public utility companies.
- M. Other services not specifically enumerated.

Section 3. Time for payment for run.

All charges for fire protection services shall be due and payable to the City of McBain within thirty (30) days from the date the service is rendered.

Section 4. Exemptions.

The above charges for fire protection services, however, shall not be levied in the following circumstances:

- A. For false alarms; (up to 2 incidents per calendar year)
- B. For fires caused by railroad trains which are the specific statutory responsibility of railroad companies;
- C. For fires involving city buildings, grounds, and/or property; and
- D. For fire protection services performed outside the jurisdiction of the city under a mutual aid contract with an adjoining municipality.

Section 5. Collection of Charges.

The city shall be entitled to proceed in any court of competent jurisdiction by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

Section 6. Non-exclusive charge.

The foregoing charges shall not be the exclusive source of revenue for the McBain Community Fire Department, but shall only be supplemental thereto. Revenue for the fire department may additionally be collected through general taxation after a vote

of the electorate approving the same, or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations from City of McBain may also be provided to the ambulance service and/or fire department to cover such additional costs and expenses.

Section 7. Multiple property protection.

When fire protection services for which a charge is imposed under this Ordinance directly benefits more than one person or property, then each person or the owner of each property so benefitted shall be liable, jointly and severally, for the payment of the ambulance service and/or fire protection service charge.

Section 8. Severability.

Should any provision or part of this 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. Effective Date.

This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the city.

Ordinance No. #193 was adopted on the 8th day of October, 2018, by the City of McBain City Council as follows:

Motion by: Heuker
Seconded by: Lutke
Yeas: 5
Nays: 0
Absent: D. Smith

Marcia Smith signature Joey Roberts signature
Marcia Smith, Clerk Joey Roberts, Mayor

I certify that this is a true copy of Ordinance No. # 193 that was adopted at a regular meeting of the City of McBain City Council on October 8,, 2018 and published in the Sentinel and on our website on October 12,, 2018.

Dated:10/9/2018_____

Marcia Smith signature
Marcia Smith, Clerk