

MONTEREY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 22-01

ADOPTED: April 4, 2022

EFFECTIVE: May 4, 2022

An ordinance to establish charges for fire department services under Michigan Act 33 of 1951, as amended and to provide methods for the collection of such charges and exemptions therefrom.

MONTEREY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I  
TITLE

This chapter shall be known and may be cited as the “Monterey Township Fire Protection Ordinance”.

SECTION II  
DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BASIC FIRE PROTECTION SERVICES.*** Those services rendered in an effort to control, confine, subdue or extinguish a fire of any kind.

***HAZARDOUS WASTE AND TOXIC MATERIALS.*** Substances which pose an unreasonable risk to public health, safety or property or a risk of explosion, chemical instability or contamination of air, soil, surface water, including, but not limited to, substances in either a solid, liquid or gaseous form which are explosive, radioactive, carcinogenic, poisonous, flammable or corrosive to organic matter.

***PERSON(S).*** Includes a natural person, a corporation, partnership, sole proprietorship or any other entity recognized by law, except an agency of federal, state, county or local government.

**RELATED EMERGENCY SERVICE.** Those services rendered by the Fire Department, other than basic fire protection services, including, but not limited to, rescue operations in general, assistance provided at the scene of an automobile collision and/or services rendered in connection with a hazardous waste or toxic materials emergency (including abatement, mitigation, clean-up, standby at the scene and mutual aid rendered by or to other fire departments).

**RESPONSIBLE DEPARTMENT.** The fire department who has been assigned to provide coverage for a particular area within the township. These assignments are provided in appendix A.

### SECTION III RESPONSIBILITY FOR FEES AND CHARGES.

- (A) Any person who receives the benefit of a basic fire protection service shall be assessed the uniform charge for such service as set forth in the schedule of fees and charges established and hereafter amended by the Township Board.
- (B) Any person who received the benefit of a related emergency services shall be assessed the uniform charge for such services as set forth in the schedule of fees and charges established and hereafter amended by the Township Board. In addition, such a person shall be assessed fees for the labor and equipment utilized in such a service, at the rates provided in the schedule of fees and charges.
- (C) A person shall be deemed to have received the benefit of a basic fire protection or related emergency service if that person is the owner of the real property on which the fire originated, in the case of a basic fire protection service or if that person is in possession, custody or control of the property which is the subject of the related emergency service.

### SECTION IV FEES AND CHARGES; DETERMINATION, APPEAL AND COLLECTION.

- (A) The Fire Chief of the responsible department, or his or her designate shall make an initial determination of the nature and amount of the appropriate fees and charges and the identity of the person who has received the benefit of a basic fire protection or related emergency service. Any person aggrieved by either of those determinations may appeal to the Township Board by submitting (within 28 days of the mailing date of a notice of initial determination), a written request for a hearing and a final determination.
- (B) The determination of labor and equipment fees shall be based on the rates provided in the schedule of fees and charges. Fee periods shall be calculated from the time of dispatch until one hour after each firefighter or piece of equipment has left the scene. In the case of firefighters, fee periods shall include any period not to exceed

seven days during which a firefighter is receiving emergency medical treatment for an injury sustained in the course and scope of his or her duties.

- (C) Charges assessed pursuant to this chapter are supplementary to and not in derogation of levied taxes which support fire protection operations, equipment or buildings.

SECTION V  
SEVERABILITY

Should any section or part thereof of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this ordinance.

SECTION VI  
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION VII  
SAVINGS

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION VIII  
EFFECTIVE DATE

This ordinance shall take effect thirty days after the date of publication of a summary of the ordinance after adoption.

Monterey Township  
Megan Frank, Clerk  
2999 30<sup>th</sup> Street  
Allegan, MI 49010  
269-793-2014