

THE CITY OF LUNA PIER
FIRE DEPARTMENT SERVICE FEES ORDINANCE
ORDINANCE NO. 210

An Ordinance to establish charges and fees for providing certain Fire Department services.

This Ordinance is to generally provide for and secure the public health, safety and general welfare of the persons and property of The City of Luna Pier. It is intended to repeal all ordinances and regulations, or parts thereof, in conflict hereof.

THE CITY OF LUNA PIER ORDAINS:

SECTION 1 -TITLE

This Ordinance shall be known as the City of Luna Pier Fire Department Service Fees Ordinance.

SECTION 2—PURPOSE

The within Ordinance is to provide authority to levy charges and collect fees for the City of Luna Pier Fire Department for emergency or non-emergency fire protection services rendered to protect individuals, entities and their property, who are not City of Luna Pier residents, and rendered to protect public utility companies and their property, or which are caused by the deliberate act of any individual or entity, and to provide for fees to be set by resolution by the city council.

SECTION 3 - CHARGEABLE FIRE PROTECTION SERVICES

Chargeable fire protection services included in this Ordinance for the City of Luna Pier Fire Department are:

- Accidents involving aircraft, rail trains, trucks and/or other vehicles for the transportation of goods or people
- Vehicle fires (both accidental and arson)
- Marine/boat fires and rescues
- Non-injury vehicle accidents
- PDA incident (property damage accident)
- PI accidents (personal injury)
- Recovery of stolen vehicles and properties.
- Safety investigations
- Traffic obstructions caused by vehicles where Fire Department provides traffic control
- Securing, control and monitoring of any hazardous condition created by any disruption or damage of utility distribution property and equipment
- Extinguishment, control, and monitoring of any “out of control” and/or unauthorized fire
- Any other request for service within the City of Luna Pier by any other agency

For, all of the above-stated rendered emergency or non-emergency fire protection services, the person, entity or utility who receives the services or who deliberately causes the occurrence requiring the services, shall be responsible for paying the charges and fees established by resolution by the city council.

SECTION 4 - ESTABLISHMENT OF CHARGES AND FEES

The City of Luna Pier finds that any and all persons or entities receiving the emergency or non-emergency fire protection services listed in Section 3 for the protection of persons or property, who are non- residents of The City of Luna Pier at the time that said services are provided, or who are public utilities, or, persons involved in an incident that require services from the fire department, the costs of said services will be billed to the non-resident person whose actions are determined, by citation, to have been the cause of the incident. In a single party incident, or an incident in which fault is unclear, the Fire Chief will use his/her discretion in determining whether payment should be made by the non-resident for these services. Said funds will be put into fire department escrow account and will be used to defray the costs of replacement of equipment and keeping current with OSHA and NFPA

requirements by the Luna Pier Fire Department.

SECTION 5 - CHARGES AND FEES

The charges and fees to be charged and paid in accordance with this Ordinance shall be those fees set forth in the Schedule of Fees attached hereto (Appendix A), which may be modified from time to time by resolution of the City Council. The Schedule of Fees shall be available at the Office of the City Clerk for inspection by the public during regular office hours.

SECTION 6 - BILLING

The charges and fees to be charged and paid in accordance with this Ordinance shall be charged as a fee imposed upon the responsible party(s) and is collectible by the City of Luna Pier in the same manner as an obligation under contract, express or implied.

SECTION 7 - MULTIPLE PROTECTION OR AID

When a particular service rendered by the Luna Pier Fire Department directly benefits more than one non-resident person or entity, or public utility, or their persons or property, or is deliberately caused by more than one person, entity or utility, each of such persons or entities, or public utilities, shall be liable for the payment of the full charged fee for such service hereinabove outlined.

SECTION 8 - COLLECTIONS

The City of Luna Pier may proceed in any court of competent jurisdiction by Suit to collect any monies remaining unpaid after Sixty (60) days of billing, and shall have any and all other remedies provided by law for the collection of said charged fees.

SECTION 9 PUBLICATION

The City of Luna Pier Clerk shall publish this Ordinance in the manner required by law and a complete copy of the Ordinance shall be available at the office of the City Clerk for inspection by the public at all times.

SECTION 10 - REPEAL

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

SECTION 11 - SEVERABILITY

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Luna Pier, Michigan held on 9th day of September 2010.

DeAnn Parran, Interim City Clerk

Published: 9/16/2010

Effective Date: 10/7/2010