

**DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN**

**ORDINANCE NO. 70.16**

**PREAMBLE**

**AN ORDINANCE TO AMEND ORDINANCE NO. 70 OF DELHI CHARTER TOWNSHIP (AS AMENDED), THE SAME BEING CHAPTER 6 OF THE CODE OF ORDINANCES OF DELHI CHARTER TOWNSHIP; TO ADD ARTICLE VIII, SECTIONS 6-107 through 6-116, FIRE PROTECTION AND EMERGENCY SERVICES COST RECOVERY; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.**

The Charter Township of Delhi, Ingham County, Michigan, ordains:

**Section 1. Amendment to Chapter 6, of the Code of Ordinances by adding Article VIII.** The Delhi Charter Township Code of Ordinances, Chapter 6, shall be amended to add the following new and additional Article VIII entitled “Fire Protection and Emergency Services Cost Recovery”, which shall read as follows:

**ARTICLE VIII**

**Fire Protection and Emergency Services Cost Recovery**

The following Code Sections shall be added as follows:

**Sec. 6-107. Findings and Purpose.**

This article is adopted to enable the Township to invoice for and collect “cost recovery charges,” as defined herein, from those receiving services from the fire department and other emergency services provided by the Township, pursuant to state law, including Public Act 33 of 1951, being MCL § 41.801 *et seq.*

The Township finds that this article is necessary to fairly allocate the costs of providing fire department services and other emergency services among those responsible for them. The Township further finds that this article is necessary to establish a policy and set forth the methods by which it may recover costs incurred in making appropriate responses and providing services in connection with same.

It is expressly the purpose of this article to provide for and promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms.

## **Sec. 6-108. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bomb Threat* means the verbal or written threat of a bomb or other explosive device which, if discharged as threatened, would violate a federal, state, or local law.

*Cost Recovery Charges* means to include the non-exhaustive list of fire protection services and other emergency services enumerated in this Article.

*Demolition Of A Structure* means the tearing down of a structure damaged by fire that must, as determined by the Delhi Township Fire Department Fire Chief, be promptly demolished following the fire to protect public safety.

*Direct Benefit* means services and receiving a "direct benefit" means causing, requesting, or being involved in an accident or incident within the Township's jurisdictional limits that causes a response by the Township (i.e., dispatching a fire truck or an ambulance) to provide fire or other emergency services. Receiving a "direct benefit" shall also include instances where a medical or care facility (including its employees, agents, and contractors) causes or requests the Township to provide non-emergent transportation to one of the facility's patients, residents, or occupants.

*Downed Power Line or other Non-Hazmat Public Utility Hazard Response* means the disabling of any transmission, distribution, or service line, cable, conduit, pipeline, wire or the like used to provide, collect, or transport electricity, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television, and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to repair or correct such failure.

*Excessive Requests for Emergency Assistance* means any request for emergency assistance made to a particular location if emergency assistance has been requested to such location more than five times in the preceding thirty days.

*Motor Vehicle* means any self-propelled or towed vehicle designed or used on the public streets, roads, and highways to transport passengers or property which is required to be registered for use upon such public streets, roads, and highways. For the purposes of this article, all trailers and appurtenances attached to any motor vehicle are deemed to be a motor vehicle.

*Responsible Person* means any individual, firm, corporation, association, partnership, entity, consortium, or joint venture responsible for cost recovery charges and receiving a direct benefit from the fire protection services and/or other emergency services provided by the Township, and the heirs, estates, successors, and assigns of such responsible person(s), subject to any limitations expressly stated in Sec. 112 (Exemptions) and Sec. 114 (Multiple Responsible Persons) herein.

*Township* means the Charter Township of Delhi and all of its departments, specifically including the Delhi Township Fire Department.

**Sec. 6-109. Cost Recovery Charges.**

Subject to Sec. 111 of this article (Exemptions), the following is a non-exhaustive list of fire protection services and other emergency services that, when provided by the Township within the Township's jurisdictional limits, are billable and collectible as "cost recovery charges" in accordance with the Township's Resolution Adopting Fee Schedule for this article and the fee schedule attached thereto.

- (a) Responding to a multi or single motor vehicle and/or pedestrian accident, or other incident involving motor vehicle(s) and/or pedestrian(s).
- (b) Responding to grass, rubbish, motor vehicle, aircraft, train, tree or forest, house, multiple-family building, hotel, motel, or other commercial establishment fire.
- (c) Responding to requests for emergency medical services.
- (d) Responding to requests to provide ambulance services.
- (e) Responding to a downed power line or other non-HAZMAT public utility hazard response.
- (f) Responding to excessive requests for emergency assistance.
- (g) Responding to a bomb threat.
- (h) Responding to a threat to harm oneself or others.
- (i) Demolition of a structure.
- (j) Costs under this article also include costs as identified and incurred by the Township Fire Department under Chapter 6, Article V, Sections 6-75 through 6-77.
- (k) Other services not specifically listed that are determined by the Delhi Township Fire Department Chief to be fire protection or other emergency services.

The cost recovery charges under this article are due and payable by the responsible person(s) within 30 days from the date on the Township's invoice mailed to the last known address of the responsible person(s). If payment is not received within 30 days, such cost recovery charges are collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt.

**Sec. 6-110. Collection of Charges.**

Upon the failure of a responsible person(s) to pay the cost recovery charges due within the time limit for payment provided in Sec. 6-109 (Cost Recovery Charges), the Township Treasurer may collect any overdue amounts from the responsible person(s) in any other manner

permitted by law, including the filing of a collection suit in a court of competent jurisdiction. Any overdue amounts shall bear interest at the rate set forth in the annual schedule of fees.

**Sec. 6-111. Exemptions.**

The following properties and services are exempt from cost recovery charges under this article:

- (a) Responding to a fire involving Township buildings, grounds, and/or property.
- (b) Responding to a fire or providing other emergency services that are provided and performed outside of the Township. Notwithstanding such exemption for services provided outside of the Township, the Township and other municipalities may adopt (an) ordinance(s) to impose fees for fire and emergency service runs within their respective territories under MCL 41.801 *et seq.*, as amended, and may otherwise contract for recovery of costs in their respective territories through measures including, but not limited to, a mutual aid agreement allowing for cost recovery.

**Sec. 6-112. Non-Exclusive Charges.**

Cost recovery charges are not the only charges that may be made by the Township for the costs and expenses of providing fire protection and other emergency services within the Township's jurisdictional limits. Additional charges may be collected by the Township through general taxation after an approving vote of the electorate or by a special assessment established under the applicable Michigan statute(s). General fund appropriates may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

**Sec. 6-113. Multiple Responsible Persons.**

When a particular fire protection or other emergency service rendered by the Township directly benefits more than one person, each person so benefited is jointly and severally liable for the payment of the full charge for such service. Provided, however, that if a court of competent jurisdiction determines that one or more persons who received fire protection or other emergency service rendered by the Township was at fault for the incident resulting in such service, the other person(s) involved in the incident shall not be considered "responsible persons" for the purposes of this article.

**Sec. 6-114. Appeal.**

- (a) Any person who has been billed may appeal the assessment of cost recovery charges to the Delhi Township Fire Department Chief. Such appeal shall be in writing, shall be filed with the Fire Chief within the time limit for payment provided in Sec. 109 (Cost Recovery Charges), and shall state every reason why the cost recovery charges should not be paid, supporting such with adequate and verifiable facts. The Fire Chief shall render a decision on the appeal and shall notify the appellant and the Township Treasurer of the decision in writing. The Fire Chief may, in his or her discretion, waive or reduce cost recovery charges, based on the information submitted.

- (b) Any person aggrieved by the decision of the Fire Chief made pursuant to Sec. 6-114(a) may file a written appeal, along with any supporting documentation, with the Township Manager within 30 days after the date of the written decision by the Fire Chief. The Township Manager shall determine whether the decision of the Fire Chief is supported by the documents and information in the file.
- (c) The Township Treasurer shall defer collection of cost recovery charges while any appeal is pending; provided, however, that any interest allowed on cost recovery charges shall continue to accrue during the appeal period.

**Sec. 6-115. Non-Applicability of No Fault Act.**

This ordinance provides authority to the Township to collect cost recovery charges for fire and emergency services provided by the Township, and within the Township, to a responsible person(s). No claim under this ordinance is for, or relates to, property damage(s). Michigan’s No Fault Act, as amended, MCL 500.3101 *et seq.*, does not apply to, conflict with, or preempt this ordinance.

**Sec. 6-116. No Limitation of Liability.**

The collection of cost recovery charges pursuant to this article does not limit the liability of a responsible person under applicable local, state, or federal law.

**Section 3. Validity and Severability.** The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

**Section 4. Repealer Clause.** All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 5. Savings Clause.** This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its publication.

Ayes:  
Nays:  
Absent:

Adopted by the Delhi Charter Township Board of Trustees at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

First Reading: \_\_\_\_\_  
 First Publication: \_\_\_\_\_  
 Second Reading: \_\_\_\_\_  
 Second Publication: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

\_\_\_\_\_  
John Hayhoe, Supervisor

\_\_\_\_\_  
Evan Hope, Township Clerk

**STATE OF MICHIGAN)**  
**)ss**  
**COUNTY OF INGHAM**

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 70.16, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the day of \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Evan Hope, Township Clerk