

**ORDINANCE # 2009-01**

**AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT  
AND COLLECTION OF FEES FOR CERTAIN SERVICES  
OF THE ASHLEY VOLUNTEER FIRE DEPARTMENT**

**THE VILLAGE OF ASHLEY ORDAINS:**

**WHEREAS**, the Ashley Volunteer Fire Department is occasionally called upon to provide services within the bounds of the Ashley fire service district, and

**WHEREAS**, the provision of such services creates a financial burden upon the Department and the Village itself, and

**WHEREAS**, it is both prudent and appropriate to charge for such services,

**NOW THEREFORE the Village of Ashley ordains:**

1.     **Extraordinary Service.** “Extraordinary service” is defined to include any service by the Ashley Volunteer Fire Department not related to fire fighting and or suppression, or provision of emergency services within the corporate boundaries of the Village of Ashley. Extraordinary service includes, but is not limited to, assisting in the cleanup of a release of hazardous substances as that term is defined at MCL 234. 20101; responding to motor vehicle accidents; monitoring and guarding hazardous conditions including downed power lines; and any other service requiring the knowledge, expertise, and manpower of the Ashley Volunteer Fire Department outside the corporate boundaries of the Village of Ashley.
2.     **Charges for Services.** The Village Council may, by resolution from time

to time, adopt a schedule of fees to be charged for various extraordinary services provided by the Ashley Volunteer Fire Department. Such fee schedule shall be provided to the fire chief, and shall be periodically reviewed. In adopting such fee schedule, the Village shall consider personnel costs, communication costs, equipment repair and replacement, expenses of operation, on-site expenses, and any other reasonably related expense.

3. **Persons to be Charged.** The charges provided for herein shall be made to the person, firm or entity causing or permitting the event to occur which requires the service of the Ashley Volunteer Fire Department. With respect to naturally occurring conditions, or conditions with respect to which it is impossible to identify a cause, the person, firm or entity benefitting from such service shall incur the charges provided for herein.
4. **Method of Billing.** Upon receipt of notice from the fire chief, the Village Clerk shall prepare and mail to the responsible party an invoice for extraordinary service provided by the fire department.
5. **Review.** Any person, firm or entity receiving an invoice for the provision of extraordinary service by the Ashley Volunteer Fire Department may, within 14 days of the date of such invoice, request a hearing before the Village Council to review the invoice received. Such request shall be made in writing addressed to the Village Clerk. The Village Council shall fix a date and time to consider the request for review and notify the

requesting party of such date and time. The Village Council shall receive and consider the concerns of the requesting party. The Village Council may reverse, affirm, or modify the invoice. The decision of the Village Council shall be final.

6. **Contribution.** Nothing contained herein shall be deemed in any way to alter or diminish any rights of a responsible party to seek contribution from any other party.
7. **Separability.** If any section, subsection, paragraph, sentence, 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 provision and such holding shall not affect the validity of the remaining portions thereof.
8. **Ordinances Repealed.** All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.
9. **Effective Date.** This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village council.

Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, held July 14, 2009.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # **2009-01** of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on

**July 14, 2009** and published in a newspaper circulated within the Village on

**July 26, 2009**, not more than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this **14<sup>th</sup>** day of **July, 2009**.

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President

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Clerk