

STATE OF MICHIGAN  
COUNTY OF SANILAC

**TOWNSHIP OF LEXINGTON**  
AMENDMENT TO ORDINANCE #94-10

FIRE PROTECTION ORDINANCE

An ordinance to protect the public health, safety, and welfare by providing for the regulation of fires which may threaten life or property; to assess a fire run fee to persons who allow fires to burn out of control; to prohibit the turning in of a false fire alarm; to assess a fire run fee to persons turning in false fire alarms; to authorize the collection of fire run fees from the owners of property protected by a fire run and to provide a method of collection for the Township of Lexington.

**TOWNSHIP OF LEXINGTON, COUNTY OF SANILAC, MICHIGAN ORDAINS:**

**1.000 LIABILITY FOR SETTING FIRES**

- 1.01 No fire shall be set unless the person setting the fire has taken sufficient precautionary measures to prevent the fire from burning out of control.
- 1.02 Any person who sets a fire which burns out of control shall be liable to the Township for a fee as currently set by the Lexington Township Board for each fire run made to the fire and for any additional cost which may occur from the need of additional equipment or additional fire departments.

**2.000 LIABILITY FOR FALSE ALARMS**

- 2.01 No person shall cause a fire alarm to be turned in unless he has reasonable cause to believe a fire actually exists or unless he has notified the fire department that a fire alarm will be turned in pursuant to testing, repairing, or otherwise working on a fire alarm system.
- 2.02 Any person who has a fire alarm system so that no false alarms are inadvertently transmitted to the fire department from such fire alarm system.
- 2.03 Any person who in violation of Section 2.01 turns in a false alarm or who in violation of Section 2.02 fails to maintain his fire alarm system so as to prevent false alarms, shall be liable to the Township for a fee as currently set by the Lexington Township Board for each fire run made pursuant to the false alarm.

**3.000 LIABILITY FOR PROPERTY PROTECTION**

- 3.01 The owners of real or personal property which the Township attempts to protect on a fire run shall be liable to the Township for a fee as currently set by the Lexington Township Board for the cost of that fire run and for any additional cost which may occur from the need of additional equipment or additional fire department aid. Liability under this section shall be applicable to owners of motor vehicles which are involved in highway

accidents for which there is a police request for a washdown or other services by the fire department.

4.000 **COLLECTION OF DELINQUENT FIRE RUNS**

4.01 Any fire run fee for which a property owner or occupant, or recipient is liable, and which remains unpaid for 90 days after being mailed to the responsible party, shall bear collection fees on a 1% per month (simple annual 12%) basis starting on the 91st day after such mailing.

4.02 Any fire run fee for which a property owner or occupant or recipient is liable, and which remains unpaid for 180 days after being mailed to the responsible party will be forwarded to the Township attorney **and/or third party** for collection, including cost, interest and attorney fees or such as the court will allow. Payment of said cost or charge shall be deemed delinquent and enforceable as a tax lien, as provided by law, against the lot or lots involved.

5.000 **SEVERABILITY**

5.01 This Ordinance and the various articles, sections, sentences and clauses thereof are hereby declared to be severable. If any article, section, sentence or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

6.000 **ENACTMENT AND EFFECTIVE DATE**

6.01 Any person affected by this Ordinance shall have the right to appeal to the Lexington Township board. Said right of appeal shall be exercised by person affected giving Township Clerk written notice of intent within 45 days of receipt of the first billing.

6.02 This ordinance adopted by the Lexington Township Board at a meeting duly held on the 18th day of June 2009, and published in the Sanilac County Jeffersonian on June 28, 2009. This ordinance effective upon said date of publication.

Motion by: MCAHISTER

Seconded by: PARTAKA

Yeas: 5

Nays: 0

Absent: None

Abstain: none

 , on  
Chad Partaka, Township Supervisor

 , on  
Michael VanderGraaff, Township Clerk