

**FIRE ORDINANCE  
TOWNSHIP OF HOWELL, MICHIGAN  
Ord. No. 14 eff. Mar. 13, 1987**

An Ordinance to regulate the setting of fires and to establish rates and charges for fire services and emergency services provided by the Township of Howell through the Howell Fire District and to provide for the collection of the same.

(Ord. No. 45 eff. Oct. 14, 1993)

THE TOWNSHIP OF HOWELL, A MUNICIPAL CORPORATION OF LIVINGSTON COUNTY,  
MICHIGAN ORDAINS:

**ARTICLE I  
SHORT TITLE**

**1.1 SHORT TITLE.**

This Ordinance shall be known as or may be cited as the Howell Township Fire Ordinance.

(Ord. No. 14 eff. March 13, 1987)

**ARTICLE II  
DEFINITIONS**

The following definitions shall apply to the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

(Ord. No. 14 eff. March 13, 1987)

**2.1 DEPARTMENT** shall mean the Fowlerville Fire Department, the Howell Fire Department, and any other fire department that provides services in the Township.

(Ord. No. 14 eff. March 13, 1987)

**2.2 DISTRICT** shall mean the fire district in which the services were rendered within the Township of Howell.

(Ord. No. 14 eff. March 13, 1987)

**2.3 INCINERATOR.** A fire proof container constructed of metal or masonry with a spark arrester with opening no larger than : inch in diameter or a spark arrester which is commercially sold on the market to the general public.

(Ord. No. 14 eff. March 13, 1987)

2.4 **OPEN FIRE.** Any fire upon any woodland, lot, subdivision, grassland, field, public right-of-way or any other area within the Township of Howell except for fires used for heating or aesthetic purposes within the confines of a structure.  
(Ord. No. 14 eff. March 13, 1987)

2.5 **PERSON** shall mean an individual, group, partnership, firm, corporation, association, congregation, or any legal entity, or officer, employee, or agent of any legal entity.  
(Ord. No. 14 eff. March 13, 1987)

2.6 **FALSE ALARM** Any mechanical and/or electrical device that falsely emits a warning by sound, light or electrical impulse to which the Department, as defined, responds.  
(Ord. No. 14 eff. March 13, 1987)

2.7 **TOWNSHIP.** The word "Township" as used in this Ordinance shall mean the Township of Howell, a Municipal Corporation.  
(Ord. No. 14 eff. March 13, 1987)

2.8 **WORDS.** Single words shall include the plural and masculine words shall include the feminine and neuter.  
(Ord. No. 14 eff. March 13, 1987)

### **ARTICLE III NOTICE OF FIRE**

#### **3.1 PERMIT REQUIRED.**

No person shall set or cause to be set, whether intentionally or negligently, or tend any open fire, without first obtaining a permit from the fire department serving that location within Howell Township or from the Township of Howell.

(Ord. No. 14 eff. March 13, 1987; amended by Ord. No 42 eff. June 3, 1993)

#### **3.2 OPEN FIRES; DANGER OF SPREADING.**

No person shall start any "Open Fires" within the Township of Howell whenever there is a danger of such fire spreading beyond the control of the person so starting or tending such fire, so as to injure, damage or endanger the safety of persons or property of another.

(Ord. No. 14 eff. March 13, 1987)

#### **3.3 PREVENTION OF SPREADING.**

Any person doing any burning pursuant to this Ordinance shall do such work in and around the area in which the burning is to be done so as to prevent the spread of the fire therefrom. No person shall use such equipment, operate any engines or machinery or power vehicles not equipped with a spark arrester or suitable devices to prevent the escape of fire or sparks.

(Ord. No. 14 eff. March 13, 1987)

## **ARTICLE IV LIABILITY**

### **4.1 LIABILITY; OPEN FIRES.**

Any person who, in violation of any provision of this Ordinance, sets or causes, whether intentionally or negligently, or tends any open fire shall be liable to the Township for any and all costs incurred by the Township in fighting such fire as such costs shall be determined annually by the Township Board in accordance with Section 4.3 hereof. Such costs could include but not be limited to not only the actual costs incurred for fighting the fire, but damages to third parties, attorney fees, court actions, or other related costs or damages. Such costs shall be for the purposes of defraying the cost of purchasing and housing equipment and for the operation of the equipment as well as to indemnify the Township for any other costs incurred by the Township as a result of the violation of this Ordinance.

(Ord. No. 14 eff Mar. 13, 1987; amend. by Ord. No. 42 eff. June 3,1993)

### **4.2 LIABILITY; FALSE ALARMS.**

The Township Board shall establish annually a fee which will be charged against any person who receives fire or emergency services rendered by the department involving false alarms in accordance with Section 4.3 hereof. This fee shall be for the purpose of defraying the cost of purchasing and housing equipment and for the operation of that equipment as well as to reimburse the Township for costs incurred as a result of said false alarm.

(Ord. No. 42 eff. June 3,1993)

### **4.3 SERVICE CHARGES.**

- A. The Township Board shall establish annually a fee in an amount which could include the fee charged by the department or departments responding to a call, which fee will be charged against any person who receives fire or emergency services rendered by such department or departments involving false alarms or ~~open fires~~ which specifically includes, but is not limited to, the burning of any papers, trash, rubbish, brush, leaves, woods, fence rows, grass, stumps, building materials, or other inflammable materials, unless a permit has been issued pursuant to Section 3.1 hereof or unless the same was confined to an ~~incinerator~~ which incinerator is located no closer than fifteen (15) feet from any building and no less than five (5) feet from any property line.
  
- B. The Township Board shall also establish annually a fee in an amount which could include the fee charged by the department or departments responding to a call, which fee will be charged against any person who is the owner of a motorized vehicle or any other motor driven mode of transportation or is operating a motorized vehicle or other motor driven mode of transportation in the Township for which fire services or emergency services were rendered by such department.

- C. The Township Board shall also establish annually a fee in an amount which could include the fee charged by the department or departments responding to a call which fee will be charged against any person who receives, or whose property receives, fire services or emergency services rendered by such department or departments.
  
- D. The Township Board shall also establish annually a fee in an amount which could include the fee charged by the department or departments responding to a call which fee will be charged against any person who received, or whose property received, fire services or emergency services rendered by such department involving any spill, leakage, or other manner of escape, of any petroleum product, refined or otherwise; paint or a similar substance; or any other type of chemical, liquid, gas or substance considered or identified by the Department of Natural Resources or the Environmental Protection Agency as a contaminate.

(Ord. No. 42 eff. June 3, 1993; Ord No. 45 eff. Oct. 14, 1993)

**ARTICLE V  
FIRE AND EMERGENCY SERVICE CHARGES**

**5.1 SERVICE CHARGE; OWNERS OR DRIVERS OF MOTOR VEHICLES**

The Township will charge a fee against any person who is the owner of a motor vehicle or is driving a motor vehicle in the Township for which fire and/or emergency services were rendered by such department or departments in accordance with Section 4.3 hereof. This fee shall be established annually by the Township Board and shall be for the purpose of defraying the cost of purchasing and housing equipment and for the operation of the equipment as well as to indemnify the Township for any other costs incurred by the Township therefor.

(Ord. No. 14 eff. March 13, 1987; amend by Ord. No. 42 eff. June 3, 1993)

**5.2 SERVICE CHARGE; OWNERS OR OPERATORS OF MOTOR DRIVEN VEHICLES OR MOTOR DRIVEN MODES OF TRANSPORTATION.**

The Township of Howell will charge a fee against any person who is the owner or operator of a motor driven vehicle or other mode of motorized transportation in the Township for which fire and/or emergency services were rendered by such department or departments in accordance with Section 4.3 hereof. This fee shall be established annually by the Township Board and shall be for the purpose of defraying the cost of purchasing and housing equipment and for the operation of the equipment, as well as to indemnify the Township for any other costs incurred by the Township thereof.

(Ord. No. 45 eff. Oct. 14, 1993)

**5.3 RECIPIENTS OF SERVICE OR SPILLAGE.**

- A. The Township of Howell will charge a fee against any person who receives, or whose property receives, fire and/or emergency services rendered by such department or departments. This fee shall be established annually by the Township Board and shall be for the purpose of deferring the cost of purchasing and housing equipment and for the operation of the equipment, as well as to indemnify the Township for any other costs incurred by the Township therefore.
  
- B. The Township of Howell will charge a fee against any person who receives, or whose property receives, fire and/or emergency services rendered by such department or departments involving any spill, leakage or other manner of escape, of any petroleum product, refined or otherwise; paint or a similar substance; or any other type of chemical, liquid, gas or substance considered or identified by the Department of Natural Resources or the Environmental Protection Agency as a contaminant in accordance with Section 4.3 hereof. This fee shall be established annually by the Township Board and shall be for the purpose of deferring the cost of purchasing and housing equipment and for the operation of the equipment, as well as to indemnify the Township for any other costs incurred by the Township therefore.

(Ord. No. 45 eff. Oct. 14, 1993)

**ARTICLE VI  
FUNDS ACCREDITED**

**6.1 REVENUES.**

Revenues received from the collection of fees as established by this Ordinance are hereby ordered to be accredited to the account designated as the Fire Fund of the Township.

(Ord. No. 14 eff. Mar. 13, 1987)

**ARTICLE VII  
COLLECTION OF FIRE SERVICE CHARGES**

**7.1 COLLECTION OF CHARGES.**

Failure of the person to pay the fee within thirty (30) days after the Township has billed the person, will subject said person to civil liability and said person shall be responsible for all costs and attorney fees associated or incurred by the Township in collecting the fee.

(Ord. No. 14 eff. Mar. 13, 1987)

**ARTICLE VIII  
MISCELLANEOUS PROVISION**

**8.1 SEVERABILITY.**

This Ordinance, and the various parts, sentences and clauses thereof, are hereby declared to be severable, and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be unconstitutional and invalid.

(Ord. No 14 eff Mar. 13, 1987)

**ARTICLE IX  
REPEAL**

**9.1 REPEAL.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

(Ord. No 14 eff Mar. 13, 1987)

**ARTICLE X  
EFFECTIVE DATE OF ORDINANCE**

**EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after publication of this Ordinance.

(Ord. No 14 eff Mar. 13, 1987)