

**BEAR LAKE TOWNSHIP
UTILITY PROTECTION SERVICE FEES ORDINANCE
Ordinance No. of 2011**

AN ORDINANCE TO ESTABLISH FEES FOR UTILITY PROTECTION SERVICES PURSUANT TO SECTION 6a OF ACT 33 OF THE PUBLIC ACT OF 1951, AS AMENDED (MCL 41.806a) AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH FEES

THE TOWNSHIP OF BEAR LAKE, MANISTEE COUNTY, HEREBY ORDAINS:

Section 1. Purpose.

This Ordinance is adopted for the purpose of providing financial assistance to Bear Lake Township for the operation of its fire department as it relates to the department's services to protect the public safety against exposed or dangerous utility services within the township (hereinafter "Utility Protection Services").

Section 2. Fees for Utility Protection Services.

The Bear Lake Township Board shall establish by resolution fees for Utility Protection Services provided by the township fire department, which are intended to recover the costs of maintaining vehicles and personnel at the scene of dangerous utility incidents (hereinafter "Utility Protection Service Fees").

Section 3. Billing Procedures.

The Utility Protection Service Fees imposed pursuant to this Ordinance shall be billed and collected from the public utility company whose utility service necessitated the fire department's Utility Protection Services. The billing and collection of the Utility Protection Service Fees may be done by township employees or pursuant to a contract between Bear Lake Township and a person or entity who will provide these billing and collection services.

Section 4. Time for payment.

All Utility Protection Service Fees shall be due and payable to Bear Lake Township, or its designated billing and collection agent, within thirty (30) days from the date the service is invoiced.

Section 5. Collection of Fees.

Bear Lake Township, or its designated billing and collection agent, may proceed in District Court or in any other court of competent jurisdiction by suit to collect any monies

remaining unpaid and shall have any and all other remedies provided by law for the collection of said Utility Protection Service Fees.

Section 6. Non-exclusive Fees.

The foregoing Utility Protection Service Fees should not be considered the exclusive source of revenue for the Bear Lake Township Fire Department, but should only be considered supplemental thereto. Revenue for fire department operations may additionally be collected through general taxation after a vote of the electorate approving the same, or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations from Bear Lake Township may also be provided to the fire department to cover such additional costs and expenses.

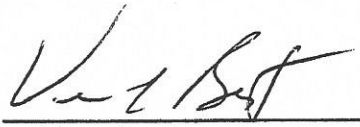
Section 7. Severability.

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section 8. Effective Date.

This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the township.

BEAR LAKE TOWNSHIP

By: 
Vern Best

Its: Supervisor

By: 
Deanna Pattison

Its: Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Bear Lake Township Board held in the Bear Lake Township Hall located at 7771 Lake Street, Bear Lake, Michigan, on NOVEMBER 15, 2011.

PRESENT: MAY, BEST, PATTISON, GRIFFIS, HARMISH

ABSENT: NONE

It was moved by GRIFFIS and supported by MAY that the following Ordinance be adopted:


(See attached BEAR LAKE TOWNSHIP ORDINANCE)

YES: PATTISON, BEST, GRIFFIS, HARMISH, MAY

NO: NONE

ORDINANCE DECLARED ADOPTED.

BEAR LAKE TOWNSHIP

By: 
Vern Best, Supervisor

I, the undersigned, the Clerk of the Township of Bear Lake, Manistee County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Bear Lake Township Board of said County at its regular meeting held on NOV 15, 2011, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the MANISTEE NEWS ADVOCATE on DECEMBER 5, 2011 and was filed with the County Clerk on DEC 8, 2011.

Dated: 11-15-11


Deanna Pattison, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.