

ORDINANCE NO. 2020-01

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY FIRE PROTECTION FIRE SERVICES UNDER FIRE SERVICE CONTRACTS

The City Council of Grey Eagle, Minnesota ordains:

SECTION ONE: ADDITION OF CHAPTER 15

CHAPTER 15 ***Fire Protection***

Section – Fire Protection and Fees

15.1. *Purpose and Intent.* This ordinance is adopted for the purpose of authorizing the City of Grey Eagle to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

15.2. *Definitions.*

- (A) “Fire service” means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) “Fire service charge” means the charge imposed by the City for receiving fire service.
- (C) “Motor vehicle” means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.
- (D) “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire service.
- (E) “Mutual aid agreement” means an agreement between the City and a town or other city for the City’s fire department to provide assistance to the fire department of a town or other city.

15.3. *Parties Affected.*

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

15.4. *Rates.* Fire service charges shall be established from time to time by the City Council by resolution or pursuant to a fire protection contract.

15.5. *Billing and Collection.*

- (A) Parties requesting and receiving fire services will be billed directly by the City of Grey Eagle within 60 days of the fire service. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party’s insurance remains a debt of the party receiving the fire service.
- (B) Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.

- (C) If the fire service charge remains unpaid for 60 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms will be billed as a fire call if called out to the same location after the first false alarm.

15.6. *Mutual Aid Agreement.* When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

15.7. *Billing Procedure for Fire Protection Contracts with Towns or other Cities.* When the City fire department provides fire service to another fire department pursuant to a Fire Protection Contract, the billing will be determined by the Contract.

15.8. *Application of Collections to Budget.* All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

SECTION TWO: EFFECTIVE DATE

The ordinance shall become effective after adoption and publication.

Passed by the City Council of Grey Eagle, Minnesota this 14th day of April, 2020.

Mayor

Attested:

City Clerk