

ORDINANCE 291

AN ORDINANCE ESTABLISHING GAYLORD FIRE DEPARTMENT FIRE CALL BILLING PROCEDURES

THE CITY COUNCIL OF THE CITY OF GAYLORD, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

Section 1. PURPOSES AND INTENT: This ordinance is adopted for the purpose of authorizing the City of Gaylord to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

Section 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, snowmobiles, and ATVs.
- (D) "Fire protection contract" means a contract between the City and a township 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.
- (F) "False Alarm" means an alarm from a smoke detector, sprinkler system, or carbon monoxide detector that is activated, but there is no presence of any danger.

Section 3. PARTIES AFFECTED:

- (A) Owners of property, including landlord of rental property within the City or township who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City or township.

(C) Owners of property in townships or cities to which the City provides fire service pursuant to a fire protection contract.

Section 4. YEARLY RATE ADJUSTMENT: The City Council, with the advice and recommendation of the Gaylord Fire Department, shall review and set the Gaylord Fire Department emergency call charges each calendar year, at the annual council meeting in January for that year. If the council takes no action to change the fees set out in this ordinance, said fees shall remain the same as set out herein.

Section 5. STANDARD FIRE CALLS: The standard fire call charge will be as set in the City fee schedule from year to year. The City reserves the right to bill beyond the standard fire call charge for its costs and expenses incurred in responding to calls that last for more than two hours. If the fire department is cancelled in route, there will be no charge for the call.

Section 6. SUPPLIES COST: In addition to the basic fire call charge, the fire department shall be reimbursed its supply replacement cost for every 5 gallons of foam used, plus reimbursement for the fire department cost of any other supplies or materials expended in fighting the fire.

Section 7. HAZARDOUS MATERIAL: If it is determined any hazardous material is present at the site of a fire call, which will require special procedures and handling, an additional \$1,000.00 charge will be applied to the call, regardless of the time spent on the call. The fire department, may bill more than \$1,000.00, depending on the total time, fire staff, and supplies devoted to the call because of the presence of said hazardous materials.

Section 8. AMBULANCE CHARGE: An ambulance will routinely be requested at the site of any structure fire for fire fighter protection. The ambulance call will be separately billed by the ambulance service, which said charge shall be separate and in addition to any fire department charges.

Section 9. MUTUAL AID CALLS: Costs shall be billed per the Mutual Aid Agreement.

Section 10. ACCIDENT CALLS: The Gaylord Fire Department charge for responding to accidents not related to fires, to include but not limited to motor vehicle accidents, are established as follows:

- A. For any accident call dispatched by the Sheriff's Office or other law enforcement agency or ambulance service, as a result of which the Fire Department is needed for precautionary measures, each party involved in the accident will be billed at a rate as set in the City fee schedule. The City reserves the right to bill beyond the standard charge for its costs and expenses incurred in responding to calls that last for more than two hours.
- B. If the accident involves motor vehicles, the above stated charges shall be applied to each vehicle operator, but not to vehicle passengers.
- C. If the accident involves motor vehicles, and one or more of the vehicles was a parked and stationary vehicle, the parked and stationary vehicle owner or operator

shall be not be charged a service call. Only the vehicle or vehicles in motion at the time of the accident shall be charged the service call charge.

Section 11. FALSE ALARMS: Any person, defined as any individual, or any business entity or corporation or any agents or employees thereof, will not be billed for the first two false alarm responses during a twelve month period, if said false alarms are given in the reasonable and good faith belief that an emergency does exist. A third false alarm in a twelve month period from the same person, including the same business entity or corporation or any agents or employees thereof, shall incur a flat charge of \$500.00 for the call, regardless of whether the said third false alarm is in good faith or not. Any person, to include any business entity or corporation or any agents or employees thereof, who makes a false alarm in bad faith, meaning they knew or should have known that the alarm was false, shall be charged a flat call charge of \$500.00 in all cases.

Section 12. NON-EMERGENCY ACTIVITY: The City Council, at the recommendation of the fire department, shall have the discretion to charge an appropriate fee to the property owner for fire department assistance provided in non-emergency situations. This may include, but is not limited to, disaster site cleanup, protective sandbagging during flood alerts, and hosing down construction or demolition sites to avoid excessive dust or air pollution.

Section 13. SEVERE WEATHER WATCH: Fire department personnel shall conduct a severe weather watch as appropriate at no charge to the community or to any individual property owners.

Section 14. OTHER ENTITY CHARGES: If the fire department deems it appropriate, it may call in assistance from other government agencies or private entities, to provide personnel, expertise or equipment the fire department determines in its own discretion is needed to respond adequately to an emergency. The City Council, at the recommendation of the fire department, shall have the right to pass on to the emergency call property owner any fees or costs charged by such other government agency or private entity for their assistance.

Section 15: BILLING AND COLLECTION:

- (A) Parties requesting and receiving fire services may be billed directly by the City. 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 or property owner receiving the fire service.
- (B) Parties billed for fire service will have 90 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 90 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 90 days after the notice of delinquency is sent, the City Council by formal resolution, after due consideration, 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 property 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 specified in Section 11.

SECTION 16: 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.

This ordinance shall become effective immediately upon publication.

For City of Gaylord:

By Brenda Pautsch
It's Mayor

By Kevin McCann
It's Administrator