

ORDINANCE NO. 107

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION
FIRE SERVICES

The City Council of the City of New Auburn, Minnesota does ordain:

SECTION 704.01: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the City of New Auburn to charge for fire service as authorized by Minn. Statute §366.011, §366.012, and §415.01.

SECTION 704.02: DEFINITIONS

- (A) "Fire service" means any deployment of fire fighting 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 fire fighting 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, township, or other entity for which the City is to provide fire service.
- (E) "Mutual aid agreement" means an agreement between the City and a town, township, or other entity for the City's fire department to provide assistance to the fire department of a town, township, or other entity.

SECTION 704.03: PARTIES AFFECTED

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

SECTION 704.04: RATES

Rates for any and all services provided by the City fire department shall be billed at the rate recommended by the Fire Chief and approved by City Council and shall be incorporated in the City Fee Schedule.

SECTION 704.05: 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 receiving the fire service.
- (B) Parties billed for fire service will have thirty (30) 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 thirty (30) days after the 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 thirty (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 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 a fire call.

SECTION 704.06: MUTUAL AID AGREEMENT

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

SECTION 704.07: 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.

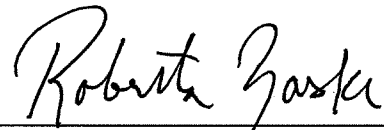
SECTION 704.08: EFFECTIVE DATE

This ordinance shall become effective after its passage and summary publication.

Passed by the Council for the City of New Auburn on the 8 day of July, 2019



Mayor



Attested: Clerk