

ORDINANCE NO. 2022-05

AN ORDINANCE AMENDING CODE SECTION 35.05
REGARDING
EMERGENCY PROTECTION AND FIRE SERVICES

WHEREAS, Minnesota Statutes section 415.01 Subd. 2 provides that “A city may exercise the power under sections 366.011 and 366.012 relating to charges for emergency services only if the city adopts an ordinance authorizing the manner and amount of charging for those services”; and

WHEREAS, the City Council desires to have the ability to recover charges for emergency services provided by the City or pursuant to emergency or fire service contracts.

NOW, THEREFORE, the City Council of the City of Olivia, Renville County, State of Minnesota, hereby ordains as follows:

1. Section 35.05 shall be added to the City of Olivia Code of Ordinances as follows:

§ 35.05 FEES FOR EMERGENCY AND FIRE SERVICES.

(A) Purposes and intent. This ordinance is adopted for the purpose of authorizing the City of Olivia to charge for emergency services to the maximum extent as authorized and allowed by Minn. Stat. §§ 366.011, 366.012, and 415.01.

(B) Definitions.

(1) “Fire service” means any deployment of emergency services, including firefighting, rescue, medical, and related personnel and/or equipment to extinguish a fire or perform any rescue or preventative measures 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.

(2) “Fire service charge” means the charge imposed by the City for receiving fire or rescue service.

(3) “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.

(4) “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire or rescue service.

(5) “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.

(C) Parties affected.

- (1) Owners of property within the City who receive fire service.
- (2) Anyone who receives fire service as a result of a motor vehicle accident.
- (3) Owners of property in towns or cities to which the City provides fire service.
- (4) Property owners in a designated service area, or 911 dispatch area whose town has not contracted with the city for emergency services.

(D) Billing and collection.

- (1) Parties requesting and receiving fire services will be billed directly by the City of Olivia within 30 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.
- (2) Parties billed for fire service will have 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.
- (3) If the fire service charge remains unpaid for 30 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.
- (4) 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 of that year.
- (5) False alarms will be billed as a fire call.

(E) Mutual aid agreement.

(A) 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.

(F) Billing procedure for fire protection contracts with towns or other cities.

(A) 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.

(G) Application of collections to budget.

(A) All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

(H) Effective date. The ordinance shall become effective upon passage and publication.

PASSED AND ADOPTED THIS 16th DAY OF MAY, 2022.

OLIVIA CITY COUNCIL

By _____
Jon Hawkinson, Mayor

ATTEST:

Daniel Coughlin, City Administrator