

ORDINANCE NO. _____, SECOND SERIES
AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION FIRE SERVICES

The City Council of Marshall, Minnesota ordains:

SECTION 1: Chapter 34 of the Marshall City Code is hereby amended to create Article II, which shall read as follows:

Article II. Fees for Emergency Protection Fire Services

Sec. 34-3. PURPOSES AND INTENT This ordinance is adopted for the purpose of authorizing the City of Marshall to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

Sec 34-4. 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.

(d) "Fire protection contract" means a contract between the City and a township, town or other city for the City to provide fire service.

(e) "Mutual aid agreement" means an agreement between the City and a township, town, county firefighter association, regional firefighter association or other city for the City's fire department to provide assistance to the fire department of a township, town or other city.

Sec 34-5. 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.

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

Sec 34-5. RATES AND FEES

- (a) Rates and Fees shall be reviewed annually and set forth in the fee schedule.

Sec 34-6. 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 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 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.
- (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 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.

Sec 34-7. 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 Southwest/ West Central Fire Department Association Mutual Aid Agreement.

Sec 34-8. 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 2. This Ordinance shall take place upon its passage and publication according to law.

The ordinance shall become effective January 1, 2020.

Passed by the Common Council of the City of Marshall, Minnesota this ____ day of Month, Year.

Mayor

Attested:

City Clerk

DRAFT