

CITY OF CLEARWATER

ORDINANCE NO. 2011-02

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION FIRE SERVICES

THE CITY COUNCIL OF THE CITY OF CLEARWATER, MINNESOTA DOES ORDAIN:

SECTION ONE: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the City of Clearwater to charge for fire service pertaining to an illegal burn or after multiple false alarm calls as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

SECTION TWO: DEFINITIONS

- (A) "False Alarm" means any fire service call for which fire service was not required, including false reports in violation of state law.
- (B) "Illegal burn" means burning any material not permitted to be burned with a valid permit issued by an authorized agent of the City, having a burn at a time not permitted by a valid permit, having a burn when there is a burning ban in place for the area, or burning without a valid permit.
- (C) "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 first responders rescue as may occasionally occur.
- (D) "Fire service charge" means the charge imposed by the City for receiving fire service.
- (E) "Fire protection contract" means a contract between the City and a town, or other city, for the City to provide fire service.
- (F) "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.

SECTION THREE: PARTIES AFFECTED

(A) Owners of property within the City who receive fire service for a service which is billable according to the City's current fee schedule.

(C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract which is billable according to the City's current fee schedule.

SECTION FOUR: RATES

The fire service charges shall be set forth in the current city fee schedule.

SECTION FIVE: BILLING AND COLLECTION

For all billed services:

(1) 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.

(2) 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.

(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 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.

(5) A false alarm will be billed as a fire call only after second prior false alarms within a twelve (12) month period starting from the date of the first false alarm by the same property owner. On the third false alarm call, the property owner will be charged as set forth in the current city fee schedule, with each additional false alarm call increasing by fifty dollars (\$50). Example: 3rd call charged at \$100, 4th call charged at \$150, 5th call charged at \$200, and so on.

SECTION SIX: MUTUAL AID AGREEMENT

There will be no charge for mutual aid as per the Mutual Aid Agreement.

SECTION SEVEN: 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.

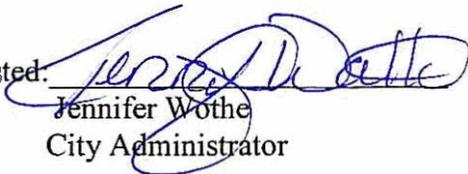
The ordinance shall become effective upon passage and after publication in the City's official newspaper.

Passed by the Council this 18th day of January, 2011.



Lee E. Monk
Mayor

Attested:



Jennifer Wothe
City Administrator

