

CITY OF CLEARWATER
WRIGHT COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 2017-03

AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA
AMENDING CITY CODE CHAPTER 2 – ADMINISTRATION ADDING
ARTICLE VII CHARGES FOR
EMERGENCY RESPONSE SERVICES

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

Section 1. Amendment. City Code Chapter 2 – Administration is hereby amended to add Article VII – Charges for Emergency Response Services, which shall read as follows:

Section 2-244 Findings, Purpose, and Intent. *This ordinance is adopted for the purpose of authorizing the City of Clearwater to establish and charge user service charges for Emergency Services as described in this ordinance.*

Section 2-245. Definitions. *The following terms shall apply in the interpretation and application of this ordinance.*

1. *“Commercial Building” and “Institutional Building” mean any structures that are used or intended either by the nature of its construction or by any conditional use permits, interim use permits or business licenses issued to be used for commercial, institutional or industrial purposes. Multiple family rental housing of any type is considered to be commercial for the purposes of this ordinance.*
2. *“Emergency Medical Response (Non-Motor Vehicle Incident)” is any medical response not involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of any injured persons.*
3. *“Excavator” means a person who conducts an excavation.*
4. *“Fire Response” 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 the fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, or any other services related to fire and rescue as may occasionally occur. Such deployment constitutes fire response regardless of whether these services are actually performed.*

5. *“Fire Service Charge” means the charge imposed by the City for a Fire Response or Emergency Medical Response.*
6. *“Hazardous Substance” means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under Minnesota Statutes Chapter 182.*
7. *“Illegal Activities” means any activity in violation of Minnesota Statute, rules and regulations, or city or county ordinances, which may be criminal or merely not in conformity therewith.*
8. *“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 any vehicle propelled or drawn by a self-propelled vehicle. This includes semi-trailers, snowmobiles, all-terrain vehicles, and campers.*
9. *“Motor Vehicle Owner” means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.*
10. *“Person” means the state, a public agency, a local governmental unit, an individual, corporation, partnership, association, business, public entity or a trustee, receiver, assignee, or personal representative of any of them.*
11. *“Residential Building” means any structure which is used or intended by the nature of its construction to be used by persons for a living and sleeping quarters, but shall not include multi-family housing, hotels, motels, or other buildings intended primarily for transient lodging. Residential Buildings shall also include outbuilding, barns and other structures which are not defined as Commercial or Institutional buildings as defined herein.*
12. *“Underground Pipeline Utility” means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute gas, oil, petroleum products, and other similar substances.*
13. *“Vacant Parcel” means any property parcel that does not include any building improvements.*

Section 2-246. Conflicts. *In the event of any conflict between the provisions of this ordinance and applicable provisions of State law, rules or regulations, the latter shall prevail.*

Section 2-247. Fire Service Charges in General.

1. *The collection of fire service charges for the provision of Fire Response and Emergency Medical Response shall be pursuant to Minnesota Statute §§ 366.011*

and 415.01 and any other applicable statute. A collection of unpaid service charges shall be as authorized in Minnesota Statute § 366.012.

- 2. Said fees shall be charged as set forth in Section 5 below.*
- 3. For incidents where a fee is charged, the fee shall be calculated on the basis of the personnel and equipment which respond to the incident as set forth in the schedule attached as Exhibit A. All personnel and equipment provided by other fire departments pursuant to a mutual aid request of the City's Fire Department shall be billed as if such personnel and equipment were provided by the City's Fire Department.*
- 4. When a particular service rendered by the Fire Department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited shall be liable for the payment of the full charge for such service to his or her respective property or person.*
- 5. Parties billed the fire service charge will have 30 days to pay. If the service charge is not paid by that time, it will be considered delinquent and the City will send notice of delinquency.*
- 6. 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 service charge including the provisions of Minn. Stat. § 366.012. The party receiving the service shall be liable for all collection costs incurred by the City including, but not limited to, administrative costs, attorney's fees, recording fees and court costs.*
- 7. Any party aggrieved by a charge authorized by this Ordinance may appeal the charge as follows:*
 - a. Within the time period for which a bill is payable, the party shall file a written request with the City Clerk setting forth specific reasons why the charge is improper.*
 - b. The City Clerk shall notify the aggrieved party, in writing, of the time, place and date the City Council will hold a hearing on the issue.*
 - c. The City Council may grant relief on appeal if it finds a good cause and sufficient proof to satisfy the City Council.*
 - d. The City Council may extend the time for payment for a reasonable period.*

Section 2-248. Fire Service Charges. *The service charges for Fire Responses or Emergency Medical Responses shall be as follows:*

- 1. *Emergency Medical Response (Non-Motor Vehicle Incident):***

- a. *Emergency Medical Response (Non-Motor Vehicle Incident) is any medical response not involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of any injured persons.*
- b. *With regard to emergency medical response (non-motor vehicle incident), there shall be no charge, provided, however, that should it be determined by the City that the medical response falls within Section 5, subparts 2, 8, 9, and 10 of this ordinance as set out below, then an invoice for the cost of the Fire Department response to the medical emergency will be sent to the property owner or owner's insurance company based on the fee schedule set forth in the attached Exhibit A.*

2. Motor Vehicle Incident:

- a. *A motor vehicle incident is any response involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of any injured persons. This would include but not be limited to: Vehicle Fire, Extrication, Medical Care, Absorbing Liquid Spills, Vehicle System Safety, Vehicle Stabilization, and Traffic Control.*
- b. *An invoice will be sent to the motor vehicle owner or owner's insurance company for the cost of the Fire Department response to the motor vehicle incident based on the fee schedule set forth in the attached Exhibit A. An invoice will not be sent to City staff or those located in the City of Clearwater or those residing in the contract areas of Lynden and Clearwater Township.*
- c. *If there is more than one motor vehicle involved for which Fire Department service is provided, each motor vehicle owner or insurer will be invoiced an equal share of the service charge.*

3. Residential Fire:

- a. *A residential fire is any incident response to a fire involving a residential building as defined in this ordinance.*
- b. *With regard to residential building fires, there shall be no charge, provided, however, that should it be determined by the City that the residential fire response falls within Section 5, subparts 9, 10 or 11 of this ordinance as set out below, then an invoice for the cost of the Fire Department response will be sent to the property owner, hazardous waste generator, person(s) charged with arson who set the fire, and/or the person(s) charged with an illegal crime which contributed to the need for fire response. All such charges shall be based on the fee schedule set forth in the attached Exhibit A.*

4. Commercial or Institutional Building Fire Response:

- a. *A commercial or institutional building fire is any incident response to a fire involving a commercial or institutional building as defined in this ordinance.*
- b. *With regard to commercial or institutional building responses by the Fire Department, there shall be no charge, provided, however, that should it be determined by the City that the fire response falls within Section 5, subparts 9, 10 or 11 of this ordinance as set out below, then an invoice for the cost of the Fire Department response will be sent to the property owner, hazardous waste generator, person(s) charged with arson who set the fire, and/or the person(s) charged with an illegal crime which contributed to the need for fire response. All such charges shall be based on the fee schedule set forth in the attached Exhibit A.*

5. Grass Fires Within a State Trunk Highway or County Right-of-Way:

- a. *A grass fire is any incident response to a grass fire within or outside of the right-of-way of a state trunk highway, county road or city road if the fire originated within the right-of-way of a state trunk highway, county road or city road as defined in Minnesota State Statute §161.465.*
- b. *An invoice will be sent to the Minnesota Commissioner of Transportation or to the county administrator for costs incurred by the Fire Department to respond based on the fee schedule set forth in the attached Exhibit A.*

6. Technical Rescue:

- a. *A technical rescue is any incident response to a rescue on the water, ice, confined space, trench, a high or low level where specialized equipment and training are required and where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the persons in need of rescue.*
- b. *With regard to technical rescue responses by the Fire Department, An invoice will be sent to the owner or owner's insurance company for the cost of the Fire Department response to the incident. An invoice will not be sent to City staff or those located in the City of Clearwater or those residing in the contract areas of Lynden and Clearwater Township.*

7. Search and Rescue:

- a. *A search and rescue are any incident response to a search and/or rescue of a missing person where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the person in need of rescue.*

- b. *With regard to search and rescue services, there shall be no charge. An invoice will not be sent to City staff or those located in the City of Clearwater or those residing in the contract areas of Lynden and Clearwater Township.*

8. *Underground Pipeline Utility Breaks:*

- a. *An underground pipeline utility break is any incident response to an underground pipeline utility break if caused by an excavator or person other than a homeowner or resident operating on their own property.*
- b. *An invoice will be sent to the excavator or person responsible for the pipeline utility break for costs incurred by the Fire Department to respond based on the fee schedule set forth in the attached Exhibit A.*
- c. *In addition, the bill for service shall also include any cost of cleanup of any contaminated equipment and/or repair of any equipment damaged during the incident or its replacement, along with replacement of any disposable equipment, supplies, and/or communication equipment.*

9. *Hazardous Material:*

- a. *A hazardous material incident is any response to the release of hazardous material from its container, or the threat of a release of a hazardous material from its container, chemical reaction, or other potential emergency as the result of a hazardous material where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions or protect the public.*
- b. *An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material for costs incurred by the Fire Department to respond based on the fee schedule set forth in the attached Exhibit A.*
- c. *In addition, the bill for service shall include any cost of cleanup of any contaminated equipment and/or repair of any equipment damaged during the incident or its replacement, along with replacement of any disposable equipment, supplies, and/or communication equipment.*

10. *Fire as the Result of Illegal Activities:*

- a. *A fire as the result of illegal activities is any incident response to a fire that resulted from illegal activities occurring on the property as defined in this ordinance. Examples of this would include, but not be limited to, methamphetamine labs, commercial and industrial operations where a*

necessary permit or license is required but has not been obtained from the City, or the burning of debris without a properly issued burn permit.

- b. An invoice will be sent to the property owner, owner's insurance company, and/or the person(s) responsible for the illegal activity for costs incurred by the Fire Department to respond based on the fee schedule set forth in the attached Exhibit A. The Fire Department reserves the right to seek reimbursement through restitution should the person responsible for the illegal activity be convicted of a crime related to the incident.*
- c. In addition, the bill for service shall include any cost of cleanup of any contaminated equipment and/or repair of any equipment damaged during the incident or its replacement, along with replacement of any disposable equipment, supplies, and/or communication equipment.*

11. Arson Fire:

- a. An arson fire is any incident response to a fire where a person is charged under Minnesota Law.*
- b. An invoice will be sent to the property owner, owner's insurance company and/or the person charged with the arson for costs incurred by the Fire Department to respond based on the fee schedule set forth in the attached Exhibit A.*
- c. In addition, the bill for service shall include any cost of cleanup of any contaminated equipment and/or repair of any equipment damaged during the incident or its replacement, along with replacement of any disposable equipment, supplies, and/or communication equipment.*
- d. The Fire Department reserves the right to seek reimbursement through restitution should the person responsible for the fire be convicted of a crime related to the incident. The fire investigator responsible for the incident investigation will forward all costs expended by the Fire Department in association with the incident to the court for reimbursement through restitution.*

12. Fire on Vacant Land:

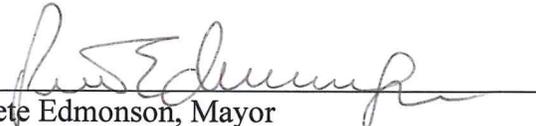
- a. A fire on vacant land is any incident response to a fire involving a fire on the vacant parcel as defined in this ordinance.*
- b. An invoice will be sent to the property owner or owner's insurance company for costs incurred by the Fire Department to respond based on the fee schedule set forth in the attached Exhibit A.*

Section 2. Amending the Fee Schedule. The Fee Schedule is hereby amended to include the fees in the attached Exhibit A.

Section 3. Repealer. All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this ordinance with regard to those inconsistent terms and provisions.

Section 4. Effective Date. This Ordinance shall take effect upon its passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER ON THE 14TH DAY OF AUGUST, 2017.


Pete Edmonson, Mayor

ATTEST:


Kevin Kress, City Administrator

EXHIBIT A

<u>Apparatus:</u>	<u>Staff Allocated</u>	<u>Rate Per Hour:</u>
Engine	(Up to 4 Personnel)	\$275
Ladder / Aerial	(Up to 4 Personnel)	\$275
Water Tender	(Up to 2 Personnel)	\$200
Heavy Rescue / Rescue / Ambulance	(Up to 2 Personnel)	\$185
Command Vehicle / Utility Truck / Grass Truck	(Up to 2 Personnel)	\$85
ATV / UTV with water tank	(Up to 2 Personnel)	\$50
Extra Personnel in addition to those allocated \$15/hr		

EXHIBIT A

TITLE AND SUMMARY OF ORDINANCE 2017-03

**AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA
AMENDING CITY CODE CHAPTER 2 – ADMINISTRATION ADDING
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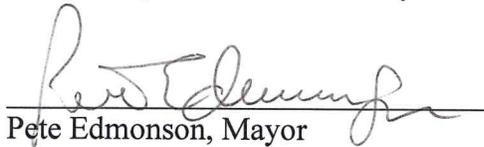
The City Council of the City of Clearwater, Minnesota, Counties of Wright and Stearns, does hereby amend the City Code.

The general purpose for amending the City of Clearwater City Code is to adopt fees for services provided by the City of Clearwater Fire Department with changes in the following sections:

- Chapter 2 – Administration, Article VII – Charges for Emergency Services

A complete copy of the Ordinance is available for inspection at the City Office, 605 County Road 75, Clearwater MN 55320, and on the City's website at www.clearwatercity.com.

Adopted by the Clearwater City Council on the 14th day of August, 2017.


Pete Edmonson, Mayor

Attest:


Kevin Kress, City Administrator