

ORDINANCE NO. 2012 - 1
AN ORDINANCE ESTABLISHING FEES
FOR EMERGENCY PROTECTION SERVICES

THE BOARD OF SUPERVISORS OF THE TOWN OF HAVEN, MINNESOTA
ORDAINS:

SECTION 1: PURPOSES AND INTENT

Pursuant to Minn. Stat. §§ 366.011 and 366.012, and other applicable authority, this ordinance is adopted for the purpose of authorizing the Town of Haven to charge and collect for the provision of emergency services.

SECTION 2: DEFINITIONS

(A) "Emergency 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 department, or other emergency, personnel and/or equipment to provide fire suppression, rescue, medical care, first aid, extrication, and any other services related to fire, medical aid and rescue as may occasionally occur.

(B) "Emergency service charge" means the charge imposed by the Town for receiving emergency service.

(C) "Motor vehicle" means any self-propelled vehicle, and any trailer or accessory item that is attached to the self-propelled vehicle.

(D) "Fire protection contract" means a contract between the Town and a town or city for the provision of emergency service.

(E) "Mutual aid agreement" means an agreement between the contract emergency services provider to provide assistance to the emergency services provider of a town or city.

(F) "Owners of property" means any person or entity who has an ownership, leasehold, license or other possessory interest in real property.

(G) "Recipient of emergency services" or "recipient" means any person or entity who:

- 1 Is the subject of the deployment of emergency service,
- 2 Is an owner of real or personal property that is the subject of the deployment of emergency service, including a motor vehicle involved in an accident or fire, or
- 3 Is an owner of property which provides medical, supervisory or monitoring services in a residential setting on a permanent or long-term basis, and who requests emergency service on behalf of its client. Section 2(G)3 does not apply if the emergency service is requested on behalf of an individual or entity who is not a client of the owner of the property.

SECTION 3: PARTIES AFFECTED

(A) Owners of property within the Township to which emergency service is deployed.

(B) Recipients of emergency service deployed within the Township.

(C) Anyone who receives emergency service as a result of a motor vehicle accident or fire within the Township.

SECTION 4: CHARGES

(A) The Board of Supervisors may establish a rate schedule for charges for one or more emergency services. Said rate schedule shall be based on the costs incurred by the Township in the providing of emergency services, including the administrative, personnel, material, fuel and equipment costs to respond to the emergency and a reasonable amount to recover infrastructure and support costs; including those for administrative, personnel, equipment, training, response capacity, material, fuel and building purposes.

(B) The rate schedule may be adopted by resolution or ordinance.

(C) The rate schedule may provide for varying charges for different types of calls, and may provide for a reduced charge to encourage public or private safety goals of the Township.

(D) The application of a charge to a specific emergency service call shall be done by the contracted Fire Chief, or their designee, or the Town Clerk.

(E) A Recipient charged for an emergency service under this Ordinance may request the Board of Supervisors review the determination of charges by the Fire Chief or Town Clerk. The request must be made within 15 days of receiving notice of the charge. The Board of Supervisors may reduce the charges if it finds (1) No emergency service was provided, or (2) the charge was not appropriate.

SECTION 5: BILLING AND COLLECTION

(A) Recipients may be billed directly by the Township or, if the recipient is provided emergency service pursuant to a fire protection contract, the recipient may be billed by the contracting town or city.

(B) If the recipient did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires emergency service, the recipient may be charged.

(C) The existence of insurance coverage may not be used to determine if a charge for services will be imposed. Any charge not paid by a recipient's insurance remains a debt of the recipient receiving the emergency service.

(D) Recipients billed for emergency service will have 30 days to pay. If the emergency service charge is not paid by that time, it will be considered delinquent.

(E) If the emergency service charge remains unpaid, the Township may use all practical and reasonable legal means to collect the emergency service charge. The recipient shall be liable for all collection costs incurred by the Township including, but not limited to, reasonable attorney fees and court costs.

(F) If the emergency service charge remains unpaid for 60 days after the initial bill, the Board of Supervisors may, on or before October 15 of each year, certify the unpaid emergency service charge to the county auditor in which the recipient 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 Township must give the property owner notice of its intent to certify the unpaid emergency service charge by September 15.

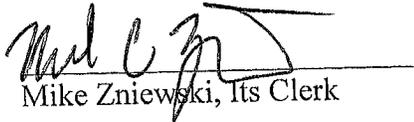
(E) False alarms may be billed as an emergency service call, unless no expenses were incurred.

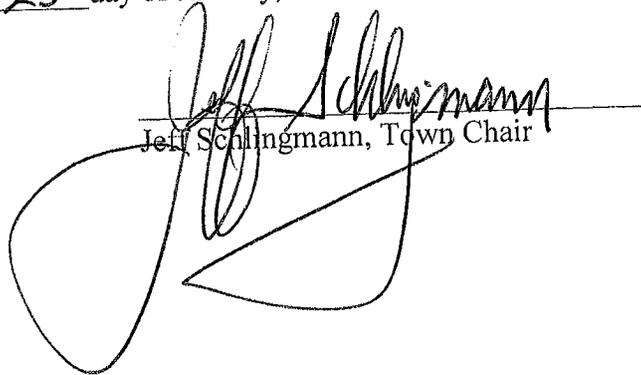
SECTION 6: MUTUAL AID AGREEMENT

When a fire department in which the Township participates provides emergency service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement, and is not affected by this ordinance.

Passed by the Town Board of Haven this 23rd day of January, 2012.

Attested:


Mike Zniewski, Its Clerk


Jeff Schlingmann, Town Chair