

CITY OF BIG FALLS
ORDINANCE #215

AN ORDINANCE AMENDING ORDINANCE #211, ESTABLISHING
FEES FOR EMERGENCY PROTECTION FIRE SERVICES.

**THE CITY COUNCIL OF THE CITY OF BIG FALLS, MINNESOTA DOES
ORDAIN:**

SECTION I: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the City of Big Falls to charge for fire service, as well as a means to assure that standard rates are being assessed for non-exempt responses. Minnesota Statutes § 415.01 subd. 2 and § 366.011 authorize the City to charge for both structure and vehicle fires as well as rescue services. For the purpose of this ordinance, the term “fire service” and “fire suppression” shall include rescue.

SECTION II: EXEMPT RESPONSES

The City Council shall have the authority to exempt certain individuals and/or legal entities for fire suppression fees.

SECTION III: RATES

Flat hourly fees are a more stable and far simpler method of assessing charges. Flat fees are consistent with FEMA / NIMS / NWCG equipment typing that typically includes personnel with the equipment. Billing will be broken down into the ¼ hour segments of 00-15, 16-30, 31-45, 46-60, and will include dispatched time through “back in service” time, as well as follow-up field operations and refurbishment time.

Flat hourly fees include:

- A. Labor expenses
- B. Fuel expenses
- C. Meal expenses
- D. Supply expenses (e.g. foam, batteries, etc)
- E. Minor equipment lost or destroyed on the incident
- F. Equipment / vehicle depreciation & wear
- G. Equipment refurbishing expenses

Equipment Description	TYPE	USE	Hourly Rate
Pumper (E-1)	Fire Truck, Type I	Fire suppression Decontamination Scene safety Incident Command Post	\$200.00
Tender, 3000 gallon (T-1)	Tender, Type I	Fire suppression Decontamination Scene safety	\$200.00
Tender, 5000 gallon (T-2)	Tender, Type I	Fire suppression Decontamination Scene safety	\$200.00
Rescue Truck	Medium Duty Rescue	Rescue EMS Scene safety Crew rehab Crew transport Incident Command Post	\$200.00
Off Road Amphibious Vehicle	n/a	Rescue EMS	\$100.00

SECTION IV: 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. Parties will be billed for the following types of responses:

1. Structure fires, including manufactured homes (trailers, double wide, etc.).
2. Vehicle fires, including highway-use registered motor vehicles, ATV's, snowmobiles, heavy equipment, aircraft, trailers, and watercraft.
3. Rubbish or debris fires including trash, tires, yard waste, vegetation, construction materials, etc. If a person has a valid State of Minnesota DNR Burning Permit that results in an escaped or unwanted fire, or is burning out of the prescribed conditions, the Fire Department shall extinguish the fire and assess appropriate service fees.
4. Rescue to include vehicle extrication, vehicle recovery, water rescue, search and rescue operations, confined space rescue, and any other technical rescue operations.
5. Trauma-Medical services that involve rescue equipment or emergency apparatus. EMS remains a free service, but a charge is applied for the rescue apparatus.

(B) The City Council shall have the authority from time to time to abate charges upon circumstances which indicate that a lesser fee should be billed, or that other facts and circumstances, including hardships, exist which indicate that an adjustment and/or waiver should be made. The Council shall have broad discretion as to which factors to consider in determining whether or not a hardship exists and whether an abatement or waiver are appropriate. However, in any case involving the loss or damage of a primary residence as defined in Section IV: (1), the Council shall consider the loss of use of a primary residence as a factor favoring abatement and/or waiver. The council shall also consider

certain factors which would make waiver and/or abatement unavailable such as the violation of state, federal and/or local laws, regulations and ordinances, the violation of which were a contributing cause to the starting or accelerating of a fire.

(C) The City Clerk shall cause a bill to be sent to the appropriate party and/or insurance carrier. If the bill is not paid in full 90 days from the date of the original billing it shall be considered delinquent. The clerk shall mail a notice of delinquency and thereafter shall take such reasonable steps as may be necessary for the collection of all such charges.

(D) Any delinquent claims may, by order of the City Council, on or before October 15 of each year, be certified to the county auditor in which the recipient of the service owns real property for collection with property taxes. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15th of that year.

(E) False alarms will not be billed as a fire call. To do so would only discourage parties from reporting a fire that may ultimately result in increased loss of property and life.

(F) The charges imposed may be appealed to the City Council by submitting the grounds for the appeal in writing to the City Clerk's Office, provided that the written request for appeal is received by the City Clerk within thirty (30) days after the initial invoice was sent by the City. The party may address the City Council to discuss the appeal only upon consent of the Council. The City Council's finding shall be final.

SECTION V. MUTAL 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 Mutual Aid Agreement.

SECTION VI. APPLICATION OF COLLECTIONS TO BUDGET

All collected fire charges will be City funds deposited to the fire department fund. These funds shall be used to offset the expenses of the City fire department in providing emergency services.

SECTION VII. EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication according to law.

Adopted by the City Council of the City of Big Falls this 14th day of November, 2011.

Mayor

Attested: _____
City Clerk/Treasurer