



Byron

MINNESOTA

ORDINANCE NO. 19-01

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY FIRE/FIRST RESPONDERS PROTECTION FIRE/FIRST RESPONDERS SERVICES UNDER SERVICE CONTRACTS

The City Council of Byron, Minnesota ordains:

SECTION ONE: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the City of Byron to charge for fire/first responder service(s) as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

SECTION TWO: DEFINITIONS

- (A) "Fire service/First Responder" means any deployment of firefighting/first responder 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/first responder service charge" means the charge imposed by the City for receiving fire/first responder service(s).
- (C) "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 semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.
- (D) "Protection contract" means a contract between the City and a town, other city or township for the City to provide fire/first responder service.
- (E) "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/first responder service(s).
- (B) Anyone who receives fire/first responder service(s) as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire/first responder service pursuant to a fire/first responders protection contract.

SECTION FOUR: RATES

Fees are set annually with the City Council Fee Schedule. Please refer to current Fee Schedule for most recent charges.

SECTION FIVE: BILLING AND COLLECTION

- (A) Parties requesting and receiving fire/first responder services will be billed directly by the City of Byron within 30 days of the fire/first responder service. Additionally, if the party receiving fire/first responders services did not request services but a fire or other situation exists which, at the discretion of the fire/first responder department personnel in charge requires fire/first responder service, "To provide valued public service and guide the City with innovative thinking toward smart growth."

responder service, the party will be charged and billed. All parties will be billed whether or not the fire/first responder service is covered by insurance. Any billable amount of the fire/first responder charge not covered by a party's insurance remains a debt of the party receiving the fire/first responder service.

- (B) Parties billed for fire/first responder service will have 30 days to pay. If the fire/first responder 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/first responder service charge. The party receiving fire/first responder 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/first responder 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/first responder service charge to the county auditor in which the recipient of the services owns real property for collection with 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/first responder service charge by September 15.
- (E) False alarms may be billed as a fire call.

SECTION SIX: MUTUAL AID AGREEMENT

When the City fire department provides fire/first responder service to another fire/first responder department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

SECTION SEVEN: BILLING PROCEDURE FOR FIRE PROTECTION CONTRACTS WITH TOWNS OR OTHER CITIES

When the City fire/first responder department provides fire/first service to another fire/first responder department pursuant to a Fire/First Responder Protection Contract, the billing will be determined by the Contract.

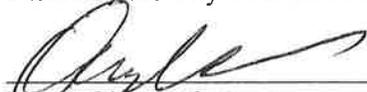
SECTION EIGHT: APPLICATION OF COLLECTIONS TO BUDGET

All collected fire/first responder charges will be city funds and used to offset the expenses of the City fire/first responder department in providing fire/first responder services.

SECTION NINE: EFFECTIVE DATE

The ordinance shall become effective 30 days after a summary publication.

Passed by the City Council of Byron, Minnesota this 12th day of February, 2019.



Daryl Glassmaker, Mayor

Attested:



Mary Blair-Hoeft, City Administrator