

Section 602 – Emergency Protection ServicesSection 602:01. Purposes and Intent.

Pursuant to Minn. Stat. §§ 366.011, 366.012, and 415.01, and other applicable authority, this ordinance is adopted for the purpose of authorizing the City of Foley to charge and collect for the provision of emergency services.

Section 602:02. 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 City 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 City and a town or other city for the City to provide emergency 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.
- (F) “Owners of property” means any person or entity who has an ownership, leasehold, license or other possessory interest in real property.
- (G) “Recipient(s) of emergency services” means any person or entity who:
 - 1. Is the subject of the deployment of emergency service,
 - 2. Is an owner of 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 602.02 (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 602:03. Parties Affected.

- (A) Owners of property within the City to which emergency service is deployed.
- (B) Recipients of emergency service deployed within the City.
- (C) Anyone who receives emergency service as a result of a motor vehicle accident or fire within the city.
- (D) Any of the above parties identified, except that they are located in towns or cities to which the City provides emergency service pursuant to a fire protection contract.

Section 602:04. Rates.

- (A) The City Council shall establish a rate schedule for emergency service charges. Said rate schedule shall be based on the costs incurred by the City 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 rates for different types of calls, and may provide for a reduced rate to encourage public or private safety goals of the City.
- (D) The Fire Chief, or its designee, shall determine the application of the rate schedule to a specific emergency service call.
- (E) A Recipient charged for an emergency service under this Ordinance may request the City Council review the determination of charges by the Fire Chief. The City Council may reduce the charges if it finds (1) No emergency service was provided, or (2) the application of the rate schedule was inappropriate.

Section 602:05. Billing and Collection.

- (A) Recipients of emergency services may be billed directly by the City. If the recipient of emergency services is provided emergency service pursuant to a fire protection contract, the recipient may be billed by the contracting town or city. Additionally, if the recipient of emergency services 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 party will be charged and billed. All parties will be billed whether or not the emergency 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 emergency service.
- (B) Parties 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 and the City will send a notice of delinquency.
- (C) If the emergency 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 emergency service charge. The party receiving emergency 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 emergency 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 emergency 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 emergency service charge by September 15.
- (E) Except as provided above, false alarms will be billed as a fire call.

Section 602:06. Mutual Aid Agreement.

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

Section 602:07. 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 emergency services.

Section 602:08. Effective Date.

This ordinance shall become effective immediately upon passage and publication.

Chapter VI of the 1974 Code of Ordinances was amended by adding Section 602 by Ordinance Number 373, adopted December 19, 2006 and published December 26, 2006.

Chapter VI of the 1974 Code of Ordinances was amended by removing reference to Resolution 2006-19 from Section 602 by Ordinance Number 438 increase in the Fire Call rates, adopted December 4, 2018 and published December 11, 2018.