

ORDINANCE NO. 505-A

**AN ORDINANCE ESTABLISHING FEES FOR
EMERGENCY RESPONSE SERVICES IN EMPIRE TOWNSHIP**

The Board of Supervisors of the Township of Empire ordains as follows:

SECTION 1. TITLE

This ordinance shall be known, cited, and referred to as the Empire Township Emergency Response Services Ordinance (hereinafter “this Ordinance”).

SECTION 2. PURPOSE, SCOPE

The purpose of this Ordinance is to protect the public health, safety, and welfare by identifying emergency response services provided by Empire Township and establishing emergency response fees for such services. The scope of regulations and fees is based upon the level of services provided by Empire Township and an equitable manner for recovering costs for emergency response services from individuals, businesses, schools, churches, organizations, governmental entities, property owners or any other parties that benefit from such services but do not contribute to or do not contribute equitably to the costs of such services. Fees may also be levied against individuals, businesses, schools, churches, organizations, governmental entities, property owners or any other parties that receive emergency response services for incidents caused by or resulting from negligence, carelessness or recklessness.

SECTION 3. AUTHORITY

This Ordinance is established pursuant to the authority granted in Minnesota Statutes §§ 366.011 and 366.012.

SECTION 4. DEFINITIONS

For the purposes of this Ordinance the following terms shall have the following meanings:

“Alarm System” - Any mechanical or electronic device which directly or indirectly summons fire or medical personnel. This includes any monitored, unmonitored, audible, or other type of alarm device. Automobile alarm devices shall not be considered an alarm system.

“Alarm User” - Any person, owner, occupant, tenant, firm, partnership, association, corporation, company, or organization of any kind upon whose premises, building, structure, or facility an alarm system is maintained.

“Calendar Year” - The period January 1 through December 31 of each year.

“Construction Equipment” – Any self-propelled or stationary equipment used for excavating, grading, road construction, building construction, utility construction, railroad construction, and any other construction or maintenance-related equipment.

“Emergency Response Service Charge” – The fee for emergency response services provided by the Township, which is based upon actual charges incurred by the Township through its emergency response services contract.

“Emergency Response Services” – Fire, rescue, medical, and related services provided by the Township or contracted by the Township.

“Emergency Response Services Contract” – The contract for fire, rescue, medical, and related services in the Township, currently executed between Empire Township and the City of Farmington.

“False Alarm” - An alarm message or signal initiated and transmitted either automatically or manually through an alarm system not caused by or as a result of a criminal act, an unauthorized entry, or an act of nature which summons a response by fire or medical personnel when no fire, smoke, medical, or other emergency exists. This includes, but is not limited to, activation of an alarm system through malfunction, improper installation, misuse, operator error, unannounced testing, or accidental activation of an alarm system. "False alarm" does not include:

- A. Alarms caused by climatic conditions, tornados, thunderstorms, utility line mishaps, violent conditions of nature, or any other condition which is clearly beyond the control of the alarm manufacturer, installer, owner, or alarm user.
- B. Alarms received with prior notification and which occur during the testing of the alarm system by installers, owners, or maintenance personnel.

“Motor Vehicle” - 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.

“Owner/Operator” – The owner or operator of a motor vehicle, recreational vehicle, or construction equipment that may be identified or cited in connection with an emergency response service within Empire Township.

“Recreational Vehicles” – Any self-propelled vehicle designed for recreational use, including but not limited to all terrain vehicles, snowmobiles, boats, and camping vehicles.

“Township” – Empire Township, Dakota County, Minnesota.

SECTION 5. CHARGES FOR EMERGENCY RESPONSE SERVICES

- A. Motor Vehicle, Recreational Vehicle, and Construction Equipment Emergency Services. The costs to the Township for emergency response services for any incident involving a motor vehicle, recreational vehicle, or construction equipment shall be billed to the owner/operator of the motor vehicle, recreational vehicle, or construction equipment that is identified in the incident. In the event more than one owner/operator is involved in an incident requiring emergency response services, a proportionate amount of the emergency response service charge shall be billed to each owner/operator.
- B. Emergency Response Services Required as a Result of Negligence or Carelessness. The costs to the Township for any incident resulting from an act of negligence or carelessness that requires emergency response services shall be billed to the party responsible for such negligence or carelessness. Examples of negligence or carelessness include but are not limited to false alarm responses; brush burning, debris burning, or recreational campfires that require an emergency response service; methamphetamine lab explosions; and other explosions or fires resulting from negligence or carelessness.

- C. Hazardous Material Spills or Releases. The costs to the Township for any hazardous material spills or releases requiring emergency response services shall be billed to the party responsible for such hazardous material spills or releases.
- D. Arson. The costs to the Township for emergency response services resulting from an act of arson shall be submitted to local court for restitution from the party convicted of arson under Minnesota law.
- E. Emergency Response Services on Tax Exempt Properties. The costs to the Township for emergency response services provided on tax exempt properties shall be billed to the owner of such tax-exempt property.
- F. Grass Fires Within Trunk Highway Right-of-Way. The costs to the Township for emergency response services provided for grass fires within a trunk highway right-of-way, as defined in Minnesota Statutes section 160.02, subdivision 29, shall be billed to the State Commissioner of Transportation, as provided in Minnesota Statutes section 161.465.
- G. Emergency Response Services Within Railroad Right-of-Way or Operating Property. The costs to the Township for emergency response services caused by locomotives, rail cars, rolling stock, or railroad employees or contractors within railroad right-of-way or operating property, as defined in Minnesota Statutes section 218.011, subdivision 12, shall be billed to the owner of the railroad right-of-way or operating property, as provided in Minnesota Statutes section 219.761.
- H. False Alarms. Fees for response to false fire alarms and false carbon monoxide alarms shall be charged to the property owner or tenant for any incident after the third call to the property within a twelve (12) month period. The fee shall be as follows:
 - 1. Malicious/Mischievous Alarms Staff time plus equipment rate
 - 2. Non-Residential Property \$150 up to five false alarms, \$500 per call thereafter
 - 3. Residential Property \$150 up to five false alarms, \$300 per call thereafter

SECTION 6. EMERGENCY RESPONSE SERVICE CHARGE & BILLING

- A. Emergency Response Charge. The emergency response charge shall be based upon the actual hours of personnel, equipment used, apparatus used, and any other costs incurred by the Township in an emergency response service. The rates for personnel, equipment, fire apparatus, and other fees included in the emergency response charge shall be those rates found in the emergency service response contract for the calendar year prior to the calendar year of the emergency response incident. The Township shall forward an invoice with the emergency response service charge to the responsible party within ten business days of the Township's notice of the of the incident.
- B. Emergency Response Charge Payment. Any party receiving an emergency response charge shall have sixty days in which to pay. Any payment not received within sixty days shall be considered delinquent. The Township shall forward a notice of delinquency to the responsible party. If the payment is not received within thirty days of the notice of delinquency, the Township may exercise any and all legal means necessary and appropriate for collection of the payment.

C. Certification of Delinquency with County Auditor. In addition to any legal action commenced or remedy sought pursuant to Section 6.B. or Section 7 herein, the Township may certify any unpaid emergency response service charge, for collection with taxes to any real property, with the County Auditor in any Minnesota county in which the responsible party owns real property. Prior to certifying any such charge, the Township shall provide written notice to the property owner of its intention to certify the charge to the Auditor.

SECTION 7. VIOLATIONS AND PENALTIES

- A. Civil Remedy. In the event of a violation of this Ordinance, the Township may institute appropriate actions or proceedings, including but not limited to, those actions described in Sections 6.B. and 6.C. herein, and the Township Attorney may institute such action.
- B. Criminal Remedy. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the provisions of this Ordinance or who shall make any false statement in any document required to be submitted under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense.

SECTION 8. REPEALER

This Ordinance repeals and replaces Ordinance No. 505.

SECTION 9. EFFECTIVE DATE

Ordinance No. 505-A shall take effect upon its adoption and publication according to law.

Adopted this 13th day of August, 2019.

Terry L. Holmes, Chair

ATTEST:

Charles Seipel, Clerk-Treasurer

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