

**ORDINANCE NO 2024-04  
CITY OF EMILY  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**AN ORDINANCE TO REVISE THE  
CODE OF ORDINANCES FOR THE CITY OF EMILY  
WITH THE ESTABLISHMENT OF A FIRE AND RESCUE DEPARTMENT**

**33.20** Repeal: Emily City Code, Chapter 33 Public Safety, Fire Department Section, Subsections 33.20 through 33.31, and Volunteer First Response Unit Section, Subsections 33.45 through 33.53, adopted on January 9, 2019 are hereby repealed.

**33.21** Fire and Rescue Department. The City shall provide a Fire and Rescue Department comprised of firefighters and emergency medical personnel for the benefit of its citizens, whose mission is to respond to fire, rescue, medical, hazardous material and other emergencies, to investigate the cause of fires, and to prevent fires and promote safety in the community. The department shall service the City of Emily and such surrounding areas as may contract with the City of Emily for services of the department.

- (1) The Fire and Rescue Department shall be administered by a Fire and Rescue Chief.
- (2) The Fire and Rescue Chief shall have subordinate officers to assist in management of Fire and Rescue Department duties and functions. The Fire and Rescue Department chain of command shall be defined in the Fire and Rescue Department Standard Operating Procedures (SOPs). The Fire and Rescue Chief and the City Council shall develop administrative policies for determining qualified personnel which shall be submitted to the City Council for approval. The Fire and Rescue Chief shall recommend to the City Council appointment to Fire and Rescue Department officer positions.
- (3) The Fire and Rescue Department shall have sufficient staff to respond to fires and other emergencies that may occur within the City. The Fire and Rescue Chief shall annually recommend to the City Council for consideration and approval by the City Council a staffing plan for the Fire and Rescue Department. The size and composition of the department shall be established by resolution of the City Council and may be changed from time to time by subsequent resolution and specified in the City's Personnel Policy. The compensation shall be included in the Wage Schedule Policy.

**33.22** Fire and Rescue Chief. The Fire and Rescue Chief shall be appointed by the City Council taking into consideration recommendation of the members of the department. The Chief shall be responsible to the City Council for general policymaking and administrative control, budgeting, staffing, directing, evaluating, reporting, planning, and coordinating all activities of the Fire and Rescue Department, including, but not limited to, fire protection, emergency rescue, emergency medical services, fire prevention and safety educational services, training and safety of personnel, and fire station facilities, vehicles, and equipment assigned to the Fire and Rescue Department. Specific duties of the Fire and Rescue Chief shall be prescribed in a job description prepared and adopted by the City Council.

For Periods of absence from the City of up to sixty (60) days, the Fire and Rescue Chief shall appoint an Acting Chief. For periods of absence longer than sixty (60) days, the City Council shall approve the appointment of an Acting Chief.

33.23 Fire and Rescue Department SOPs. The Fire and Rescue Chief shall recommend to the City Council a set of Standard Operating Procedures (SOPs) for operation and administration of the Fire and Rescue Department for consideration and approval by the City Council. The SOPs detail the organization and administration of the Fire Department and establish procedures for efficiently and effectively handling operations while maintaining sufficient flexibility to allow for deviation from the procedures when necessary.

33.24 Authority at Emergency Scenes.

- a. An emergency scene is under the authority of the first arriving emergency personnel, which includes Emergency Medical Services personnel/First Responders, until the arrival of the fire or law enforcement officials having jurisdiction.
- b. The Fire and Rescue Chief, or any Fire and Rescue officer or personnel in charge at the scene of a fire or other emergency involving the protection of life or property, shall have the authority to direct such operation as may be necessary to limit or mitigate the threat of injury to persons, or damage to property or the environment, extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of duty. In exercise of such power, the Fire and Rescue Chief or any other Fire and Rescue officer or personnel is authorized to prohibit any person, vehicle, vessel, aircraft, or thing from approaching the scene and is authorized to remove or cause to be removed, towed, or kept away from the scene any person, vehicle, vessel, aircraft, or thing which may impede or interfere with the operations of the Fire and Rescue Department. Any person violating this Section shall be guilty of an offense punishable as a misdemeanor.
- c. The Fire and Rescue Chief, or any Fire and Rescue officer or personnel in charge at the scene of an emergency, is authorized to place ropes, guards, barricades, or other obstructions across any street, highway, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the Fire and Rescue Department to manage and/or control the situation.

33.25 Investigation of Emergency Incidents. The Fire and Rescue Chief shall investigate or cause to be investigated the cause, origin, and circumstances of fires occurring within the City pursuant to Minnesota Statutes Chapter 299F.

33.26 Mutual Aid. The Fire and Rescue Chief or his/her designee is authorized to respond to requests for mutual aid assistance in the form of Fire and Rescue Department resources from any political subdivision, agencies of the State of Minnesota, and Federal agencies, pursuant to Minnesota Statutes Chapter 12, provided the emergency response needs of the City are not compromised, and the City Council or its designee is notified when Fire and Rescue Department personnel and/or resources shall be committed to the mutual aid response in excess of twelve (12) hours.

**33.27 Fire and Rescue Department Relief Association.** There is an Emily Firemen’s Relief Association, whose function is to manage service pension benefits for Fire and Rescue personnel, authorized under Minnesota Statutes, and to provide other services to Fire and Rescue personnel of the Emily Fire and Rescue Department as deemed appropriate by members of the Association.

- a. The affairs of the Relief Association are governed by its Bylaws. The Bylaws provide rules for matters such as membership, meetings, election and duties of officers and trustees, investments, eligibility for benefits, and benefit amounts.
- b. Any proposed change to the Association’s Bylaws or Articles of Incorporation which will affect the benefits paid from the Association’s Fund shall not be effective until ratified by the City Council.

**33.28 Fire and Rescue Service Definitions.**

- a. “Service” means any deployment of Fire and Rescue 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 of or threatened by fire. It also includes the deployment of Fire and Rescue personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occur.
- b. “Service fee” means the charge imposed by the City for receiving Fire and Rescue service.
- c. “Motor vehicle” means any self-propelled vehicle designed and manufactured to operate primarily upon public roads and highways, including semi trailers.

**33.29 Service Fees.** The City Council may, by resolution, establish fees for fire protection service and/or emergency response which are not otherwise specified by contract. Said fees may be established at a fixed rate for certain specific types of incidents or for actual costs incurred by the Fire and Rescue Department in responding to the incident. The Fire and Rescue Chief shall make a recommendation annually to the City Council for approval the fee to be charged for each service fee noted in this Section and such fees shall be specified in the City’s Fee Schedule Ordinance.

- a. Chemical/Hazardous Materials Spills. Fees incurred by the City for response to chemical spills on roadways, and at fixed private facilities within the City, or in other cities that personnel and equipment from the City may be requested to respond, will be charged to the owner of the chemical, the owner of the vehicle in which the chemical is being shipped, and/or to the owner of the facility where the spill occurred.

- 1) Fees shall include, but shall not be limited to, actual costs for all personnel who respond to the incident for a minimum of one hour and the cost on a per hour basis for each piece of City apparatus and equipment that responds to the incident for a minimum of one hour. Vehicle and equipment costs shall conform to the most recent cost schedules published by the Federal Emergency Management Agency for disaster recovery, or in the event a piece of equipment is not listed on the schedule, it shall be billed at a reasonable rate to be determined by the City using industry standards.

- 2) In addition, the bill for service shall include any cost of clean-up of any contaminated equipment and/or repair of any equipment damaged during the incident or its replacement, along with replacement of any disposable equipment, supplies, and/or communication equipment, and administrative costs to be established at ten percent (10%) of the total bill.
  - 3) Liens Upon Nonpayment. Each owner of the premises receiving Fire and Rescue Department service for a hazardous materials spill shall be deemed to have agreed to pay for said services and any delinquencies in the payment for the Fire and Rescue Department service to said premises shall be a lien and charged against the premises so served regardless of whether the same be a homestead or not.
- b. Wildland Fires. At the discretion of the Fire and Rescue Chief, fees may be charged to the Minnesota Department of Natural Resources for services provided for incidents under the jurisdiction of the Minnesota Department of Natural Resources.
  - c. Arson, Accidents Due to Gross Negligence. Fees for services provided for incidents caused by arson or by gross negligence will be charged to the perpetrator(s) of the incident.
  - d. Any party who receives fire service involving a motor vehicle accident or motor vehicle fire will pay for such fire service according to the schedule referenced above. Fire and rescue calls resulting from vehicular accidents on state and county highways, to the extent services are provided to non-resident individuals or non-resident businesses of the Fire and Rescue Department's area of service, will be charged to the non-resident individual or non-resident business.
  - e. Impounding Vehicles/Property. The Fire and Rescue Chief or his/her designate is authorized to impound vehicles or property related to a fire and/or hazardous materials release and to be held in a secure location until such time as payment is received for Fire and Rescue Department response to the incident and/or the vehicle or property may be transported without further risk of injury to the public or damage to the environment.

### 33.30 Billing and Collection.

- a. A party receiving fire service will be billed directly by the City.
- b. Additionally, if the City is aware of the Insurance Company covering the involved vehicle, the City will send a copy of such billing directly to the Insurance Company.
- c. A party billed for fire service will have 30 days from the time of notice to pay, and if not paid by that time, it will be considered delinquent and an additional charge of 10% will be added to the amount due. Additionally, such party shall be liable for all collection costs incurred by the City including reasonable attorney fees and cost.
- d. If the fire 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 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 proceed in this manner by

September 15 of the year in which it certifies the unpaid charge to the appropriate county auditor.

33.31 Hardship and Waiver of Fees. When the City determines that imposition of a fee would impose an extreme economic hardship as determined by the City, the City may reduce or waive the fee as deemed appropriate by the City Council. Economic hardship may be established where a party is totally disabled and receiving social security benefits or railroad similar fixed income, retirement or disability benefits, and whose total household income is less than the annual low income level established by the U.S. Department of Housing and Urban Development Low Income Level.

33.32 Service Charge on Public Entity Property.

- (1) All property within the City owned by a public entity which is exempt from property taxation shall pay a service charge for emergency services rendered by the City on the public entity property, including fire, rescue, and medical services.
- (2) The amount of such charges shall be:
  - (a) By agreement; or
  - (b) As set forth in the City's Fee Schedule Ordinance.

Effective Date: This ordinance becomes effective upon its passage and publication according to law.

Passed by council this 12<sup>th</sup> day of August, 2024.

  
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Tracy Jones, Mayor

Attest:

  
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Cari Johnson, City Clerk/Treasurer