

**LIVONIA TOWNSHIP
SHERBURNE COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 1000

**AN ORDINANCE CONCERNING CHARGES FOR EMERGENCY RESPONSE
SERVICE CHARGES**

THE TOWN BOARD OF SUPERVISORS OF LIVONIA TOWNSHIP ORDAINS AS
FOLLOWS:

Section 1. PURPOSE AND INTENT

The purpose of this ordinance is to establish user service charges for Fire Department services as described in this ordinance.

Section 2. DEFINITIONS

The following terms shall apply in the interpretation and application of this ordinance:

1. "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 any vehicle propelled or drawn by a self-propelled vehicle. This includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles or park trailers.
2. "Motor Vehicle Owner" means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.
3. "Excavator" means a person who conducts excavation.
4. "Underground Pipeline Utility" means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute gas, oil, petroleum products, and other similar substances.
5. "Person" means the state, a public agency, a local governmental unit, an individual, corporation, partnership, association, or other business or public entity or a trustee, receiver, assignee, or personal representative of any of them.

Section 3. CONFLICTS

In the event of any conflict between the provisions of this ordinance and applicable provisions of State law, rules or regulations, the latter shall prevail.

Section 4. EMERGENCY RESPONSE SERVICE CHARGES

- A. The collection service charges shall be as authorized in Minnesota Statutes, section 366.011.
- B. Collection of unpaid service charges shall be as authorized in Minnesota Statutes, section 366.012.
- C. The service charges shall be as follows:
1. Vehicle Accident
 - a) Any incident response to an accident involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the patients. This would include but not be limited to:
 - Extrication
 - Medical Care
 - Absorbing Liquid Spills
 - Vehicle System Safety
 - Vehicle Stabilization
 - Air Care Landing Zone Set-up
 - Traffic Control
 - b) An invoice for \$500 will be sent to the motor vehicle owner or owner's insurance company. In the event the owner cannot provide insurance information and is charged for the offense, the fire district shall collect the fee through the criminal process as defined in the Minnesota State Statutes.
 - c) If there is more than one motor vehicle involved for which Fire Department service is provided, each motor vehicle owner or insurer will be invoiced an equal share of the \$500 service charge.
 2. Grass Fires Within Trunk Highway Right-of-way
 - a) Any incident response to a grass fire within the right-of-way of a trunk highway or outside of the right-of way of a trunk highway if the fire originated within the right-of-way of a trunk highway as defined in Minnesota Statutes, section 161.465.
 - b) An invoice will be sent to the commissioner of transportation. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.
 3. Technical Rescue
 - a) Any incident response to a rescue on the water, ice, confined space, trench, high or low level where specialized equipment and training are required and where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the persons in need of rescue.

- b) An invoice will be sent to the persons, corporation or business owner receiving rescue service. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

4. Underground Pipeline Utility Breaks

- a) Any incident response to an underground pipeline utility break if caused by an excavator or person other than a homeowner or resident.
- b) An invoice will be sent to the excavator or person responsible for the pipeline utility break. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

5. Hazardous Material

- a) Any incident response to the release of hazardous material from its container, or the threat of a release of a hazardous material from its container, chemical reaction, or other potential emergency as the result of a hazardous material where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions or protect the public.
- b) An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident, specialized equipment and materials used on the incident.

6. Fire as the Result of Negligence

- a) Any incident response to a fire that resulted from an act of negligence. Examples of this would include but not be limited to methamphetamine labs, commercial and industrial operations where hot work is performed and reasonable care is not exercised, and burning of debris by contractors or homeowners that result in subsequent fires to wild land or structures.
- b) An invoice will be sent to the person responsible for the negligent fire. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

Arson Fire – Any incident response to a fire where a person is charged under Minnesota law. The fire investigator responsible for the incident investigation will forward all costs encumbered by the Fire Department in association with the incident to the court for reimbursement through restitution.

Section 5. INCIDENT INVOICE SCHEDULE

Engine	Crew of 4	\$400 per hour
Water Tender	Crew of 1	\$200 per hour
Grass Truck	Crew of 2	\$150 per hour
Rescue Truck	Crew of 2	\$100 per hour
Fire Fighter	One	Current hourly rate
Fire Officer	One	Current hourly rate

Section 6. BILLING AND COLLECTION

The Zimmerman Livonia Fire District shall bill the responsible parties pursuant to this ordinance.

Section 7. EFFECTIVE DATE. This ordinance is effective immediately upon its passage and publication.

ADOPTED this 28th day of July, 2008, by the Livonia Town Board of Supervisors.

IN FAVOR: *Berg, Doebler, Hewitt, Sherper, Wallin*

OPPOSED: *NONE*

LIVONIA TOWNSHIP

By: *Don Sherper*
Don Sherper, Chair

ATTEST:

Lila Spencer
Lila Spencer, Town Clerk/Treasurer