

**ORDINANCE #200-005**  
**AN ORDINANCE ESTABLISHING A FIRE DEPARTMENT AND ESTABLISHING FEES FOR SUCH FIRE DEPARTMENT SERVICES**

The City Council of the City of Hewitt does hereby ordain:

SECTION 1: The City of Hewitt has established a volunteer fire department as allowed by Minnesota Statute 412.221 Subdivision 17.

SECTION 2: All officers of the Volunteer Fire Department shall be appointed by the City Council. These officers may be removed by the City Council for cause and after public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical and no later than thirty (30) days from the time the position becomes open. The officer so appointed is so appointed for any period of the unexpired term of the vacated officer.

SECTION 3: Firefighters and probationary firefighters shall be appointed by the City Council upon recommendation of the Fire Chief of the Volunteer Fire Department. The recruitment, selection and appointment of all firefighters shall, as required by state law, follow all provisions of Minnesota Statutes 43A.11, 197.46, 363.03 and 363.06, as may be amended from time to time.

SECTION 4: Such fire department may establish such rules and have such officers as may be prescribed by its laws, but subject to Section 2 above and any rules or regulations which the City Council may from time to time make and establish.

SECTION 5: Compensation of the members of the Volunteer Fire department shall be determined and set by the City Council.

SECTION 6: The Chief shall have control of all fire fighting apparatus and shall be responsible for its care and condition. The Chief shall make a report annually to the City Council, at its meeting in July of each year, as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension of him or her or of any member of the Volunteer Fire Department at the first meeting of the City Council after such suspension. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

SECTION 7: The Chief shall keep in convenient form, a record of all fires. The record shall include the time of the alarm, the location of the fire, the cause of the fire, if known, the type of building, structure or other material or property, name of the owner, value of the building, structure or other material or property and the contents of the building or structure or other material or property, members of the Volunteer Fire Department responding to the alarm or call and any and all other information deemed necessary by the Fire Chief and/or the City Council or state law or regulation.

SECTION 8: Firefighters shall not be under the age of 18 years and shall be able-bodied.

SECTION 9: It shall be unlawful for any person to give or make, or cause to be given or made, and alarm without probable cause or to neglect or refuse to obey any reasonable order of the Fire Chief or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties. A false alarm will be billed as a fire alarm or fire call.

SECTION 10: Parties requesting and receiving fire protection services may be billed directly by the City. Additionally, if the party receiving the fire protection services did not request the services but a fire or other situation exists which, at the discretion of the fire department personnel in charge, requires fire protection services, that party will be charged and billed. All parties will be billed whether or not the fire service is covered by any insurance. Any billable amount of the fire charge not covered by the party's (parties') insurance remains the debt of the party receiving fire protection services.

SECTION 11: Parties billed for fire services will have thirty (30) days to pay the charges for fire protection services. If the fire protection service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency. If the fire protection service charges remain unpaid for thirty (30) days after the notice of delinquency is sent, the City will use all practical and reasonable means to collect the fire protection service charge. The party receiving the fire protection services shall be liable for all collection costs incurred by the City, including but not limited to, reasonable attorney fees and court costs. If the fire protection service charges remain unpaid for thirty (30) days after the notice of delinquency is sent, the City Council, at its discretion, may also, on or before October 15 of each calendar year, certify the unpaid fire protection service charges to the county auditor in which the recipient of the fire protection 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 notice of its intent to certify the unpaid charges to the county auditor to the property owner by September 15 of the calendar year in which the City intends to submit the delinquent charges to the county auditor.

SECTION 12: Rates for Volunteer Fire Department fire protection calls and services will be established by the City Council and will be reviewed annually.

SECTION 13: When the volunteer Fire Department provides fire services to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement. When the Volunteer Fire Department provides services to a town or other city pursuant to a Fire Protection Contract, billing will be determined by that Fire Protection Contract.

SECTION 14: All collected fire charges will be City funds used to offset the expense of the City and the Volunteer Fire Department in providing fire protection services.

Passed by at least a 4/5ths majority vote of the City Council of the City of Hewitt, County of Todd and State of Minnesota, on this 24<sup>th</sup> day of February, 2009.

By: Juanita Mitchell, Mayor

Attest: Miriam A. Collom, City Clerk/Treasurer