ORDINANCE NO. 3:
AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION SERVICES

The Board of Supervisors of the Town of Watab, Benton County, Minnesota ordains:

SECTION ONE: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the Town of Watab (the "Town") to charge for emergency services as authorized by Minnesota Statutes Sections 366.011 and 366.012.

SECTION TWO: DEFINITIONS

(A) "Fire and Emergency Services" 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, or to provide fire suppression, rescue, extrication, medical and any other services related to fire and rescue as may occasionally occur.

(B) "Service Charge" means the charge imposed by the Town for receiving Fire and Emergency Services.

(C) "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, including semi-trailers but not including snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

(D) "Fire Protection Contract" means a contract between the Town and another jurisdiction which provides Fire and Emergency Services.

SECTION THREE: PARTIES AFFECTED

(A) Owners of property within the Town who receive Fire and Emergency Services.

(B) Anyone who receives Fire and Emergency Services within the Town, except Rice residents who are served by the Rice Emergency Services or any township property owner who has a burning permit authorized by the Department of Natural Resources and has the fire under control.

SECTION FOUR: RATES

A payment of 75% of the cost charged to the township by the fire department for the first hour of service and 100% of the cost charged to the township for additional hours of service plus any other costs shall be billed to the party receiving services.

SECTION FIVE: BILLING AND COLLECTION

(A) Parties requesting and/or receiving Fire and Emergency Services may be billed directly by the Town if they are in the Rice service area. Parties served by the Sauk Rapids Fire Department will be billed directly by the City of Sauk Rapids. These parties can request reimbursement for the 25% township share of their bill._Additionally, if the party receiving Fire and 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 Fire and Emergency Services, the party will be charged and billed. All parties will be billed whether or not the Fire and Emergency Services are covered by insurance. Any billable amount of the Service Charge not covered by a party's insurance remains a debt of the party receiving the Fire and Emergency Services.

(B) Parties billed for Fire and Emergency Services will have thirty (30) days to pay. If the Service Charge is not paid by that time, it will be considered delinquent and the Town will send a notice of delinquency.

(C) If the Service Charge remains unpaid for thirty (30) days after the notice of delinquency is sent, the Town may use all practical and reasonable legal means to collect the Service Charge. The party receiving Fire and Emergency Services shall be liable for all collection costs incurred by the Town including, but not limited to, reasonable attorney fees and court costs.

(D) If the Service Charge remains unpaid for thirty (30) days after the notice of delinquency is sent, the Town Board may also, on or before October 15 of each year, certify the unpaid Service Charge to the county auditor of the county in which the recipient of the services owns real property for collection with property taxes levied against the property. The county auditor shall be responsible for remitting to the Town all Service Charges collected on behalf of the Town. The Town must give the property owner written notice of its intent to certify the unpaid Service Charge to the auditor by September 15th. The Service Charge shall be subject to the same penalties, interest and other conditions provided for the collection of property taxes.

(E) False alarms and cancelled calls will not be billed as a Service Charge. The Town will pay for these calls when billed.

SECTION SIX: APPLICATION OF COLLECTIONS TO BUDGET

All collected Service Charges will be town funds and used to offset the expenses of the Town in contracting for Fire and Emergency Services.

SECTION SEVEN: EFFECTIVE DATE

The ordinance shall become effective and enforceable the day following publication.

SECTION EIGHT: SEVERABILITY

If any portion of this Ordinance is found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

Passed by the Watab Town Board this sixth day of June 2006

Craig Gondeck
Board Chair

Patricia Spence
Attested by Town Clerk

Amended by the Watab Town Board this second day of April 2013.

Edward Karnas Jr. 4-2-2013
Board Chair

Patricia Spence
Attested by Town Clerk

PATRICIA SPENCE
Clerk, Watab Twnshp., Benton County, Minnesota
Notarial Officer (ex-officio notary public)
My term is indeterminate