

**CITY OF WELLS
COUNTY OF FARIBAULT
STATE OF MINNESOTA**

ORDINANCE NO. 2025-04

**AN ORDINANCE AMENDING WELLS CITY CODE BY ADDING SECTION 30.16
RELATED TO CHARGES FOR FIRE SERVICES PROVIDED BY THE CITY**

THE CITY COUNCIL OF THE CITY OF WELLS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Wells City Code of Ordinances, Section 30.16, is hereby added for incorporation to the official City Code of Ordinances to read as follows:

§ 30.16 CHARGES FOR FIRE SERVICES

(A) *Purposes and intent.* This section is adopted for the purpose of authorizing the city to charge for fire services as authorized under Minn. Stats. §§ 366.011, 366.012, and 415.01.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *False Alarm.* Any fire service call for which fire service was not required, including false reports in violation of state law.
- (2) *Fire Protection Contract.* A contract between the city and a town, or other city, for the city to provide exclusive fire service.
- (3) *Fire Service.* Any deployment of firefighting 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. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and first responders rescue as may occasionally occur.
- (4) *Fire Service Charge.* The charge imposed by the city for receiving fire service.
- (5) *Motor Vehicle.* A vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. It does not include an electric-assisted bicycle, an electric personal assistive mobility device, or a vehicle moved solely by human power.
- (6) *Mutual Aid Agreement.* An agreement between the city and a town, or other city, for the city's Fire Department to provide assistance to the fire department of a town or other city.

(C) *Scope of fire service charges.* The city may bill and collect, and a recipient described herein shall pay in accordance with the city's established fees and charges, to recoup costs of providing fire services within the city fire department's area of service (benefited area) in the following instances:

- (1) Hazardous material spills in which the spilling party is not an individual or business resident of the benefited area;
- (2) Responses to fire calls to or for railroads right-of-way, including, but not limited to, grass fires;
- (3) To other governmental entities within the benefited area which do not have a fire protection contract or mutual aid agreement with the city for fire protection services;
- (4) Fire protection calls resulting from motor vehicle, boat, trailer, bicycle, all-terrain vehicle and snowmobile accidents on state and county highways within the benefited area, but only to the recipients of such services who are not resident individuals or businesses of the benefited area;
- (5) Fire protection calls resulting from a fire for which a state open burning permit was required but not issued, from a fire that burned or attempted to burn materials prohibited under the terms of a state open burning permit applicable to such fire, or from a fire that exceeds the scope and requirements of the applicable state burning permit.

(D) *Rates.* The fire service charges shall be set forth in the city's established fees and charges.

(E) *Billing and collection.*

- (6) Recipients receiving fire services in the instances set forth herein may be billed directly by the city. Additionally, if the recipient receiving fire services did not request services, but a fire or another situation exists requiring, at the discretion of the Fire Department personnel in charge, fire services, the recipient will be charged and billed for such service if it falls under the scope of the fire service charge instances. All recipients will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a recipient's insurance remains a debt of the recipient receiving the fire service.
- (7) Recipients billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent, and the city will send a notice of delinquency.
- (8) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the city will use all practical and reasonable legal means to

collect the fire service charge. The recipient receiving fire service shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.

- (9) 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 certify the unpaid fire service charge by September 15.
- (10) A false alarm for fire service falling within the instances provided herein will be billed as a fire service call only after 1 prior false alarm within a 12-month period by the same recipient.
- (F) *Cost of damaged equipment and materials used.* If there is any damage to equipment of the Wells Fire Department, or supplies or materials used during service provided under this section, the cost of repair or replacement of the damaged equipment and the cost of the supplies and materials used may be billed separately, at the request and discretion of the Fire Chief.
- (G) *Mutual aid agreement.* Any charges for mutual aid service shall be determined by the current mutual aid agreement, and such amounts shall be considered fees authorized by this chapter.
- (H) *Application of collections to budget.* All collected fire charges will be city funds and used to offset the expenses of the city Fire Department in providing fire services.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect following its passage and publication in accordance with state law.


David Braun, Mayor

ATTEST:


Tiffany Schrader, City Administrator