

**CLEAR LAKE TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

Ordinance No. ORD-2010-004

**An Ordinance Imposing a Service
Charge for Emergency Services**

The Town Board of the Township of Clear Lake, County of Sherburne, State of Minnesota, ordains as follows:

Section 1. Purpose. The purpose of this Ordinance is to impose a reasonable service charge for Emergency Services, including fire, rescue, medical and related services provided by the township or contracted for by the township in accordance with the authority provided by Minn. Stat. §366.011; and to provide for collection of any unpaid service charges for Emergency Services together with property taxes levied against the property in accordance with the provisions of Minn. Stat. 366.012.

Section 2. Definitions.

- a. "Township" means the Town of Clear Lake, County of Sherburne, State of Minnesota.
- b. "City" means the City of Clear Lake, State of Minnesota.
- c. "Fire Contract" means the Contract For Fire Protection between the City and the Township dated January 1, 2006, as the same may be amended, modified, extended, renewed or replaced from time to time.
- d. "Emergency Services" means fire, rescue, medical, and related services provided by the Township or contracted for by the Township for the benefit of persons or properties as provided by applicable statutes.

Section 3. Service Charges For Emergency Services.

- a. **Fire Contract.** The Township has entered into a Contract with the City for fire protection as allowed by Minn. Stat. §365.81 and other Emergency Services.
 - i. Pursuant to the Fire Contract, the Township has determined that the reasonable charge for Emergency Services provided by the City is a service charge in the sum of

- \$100.00 for each hour or part thereof during which the City Fire Department attends a fire within the township, provided that such payment shall not exceed \$500.00. The Township has further agreed that when Clear Lake Fire Department responds to First Responder Emergency calls in which fire trucks are used a similar charge per hour shall become a chargeable billing. The Township has determined that payment of such amounts is a reasonable charge for the Emergency Services and is the primary responsibility of the recipient of the Emergency Service. The reasonable amount of service charges may be re-determined from time to time by amendment of this Ordinance duly adopted by the Township.
- ii. The Fire Contract further provides that the City shall bill the owner of the property to which the fire run or First Responder Emergency run was made for the reasonable service charges in the first instance; but that such amount shall become due and owing from the Township sixty days after the City bills the property owner if no payment has been received from the property owner.
 - iii. If no payment has been received from the property owner within the time provided above, the City will notify the Township of the delinquency. The Township shall then send a notice of delinquency to the recipient of the services or the recipient's representative or estate informing them of the amount of the service charge due and that payment must be made to the City of Township within 30 days following the date of the notice.
 - iv. If the recipient of Emergency Services or the recipient's representative or estate disputes the reasonableness of the charges billed by the City Fire Department, the aggrieved party may appeal the reasonableness of the charge to the Township Board; provided notice of appeal in writing is made to the Township Board within 15 days after the Township Clerk has sent a notice of delinquency to the recipient of the serviced or the recipient's representative or estate as provided above. The Township Board shall then hear the matter at its next regularly scheduled or special town board meeting.
 - v. If the City notifies the Township Clerk that no payment has been received from the property owner within 30 days after the City's notification, and if the Township has determined the reasonableness of the service charge in response to an appeal as provided above, the Township shall promptly pay the required amount to the City. Upon payment, the township may use any lawful means allowed to a private party for the collection of an unsecured delinquent debt to collect the amount paid to the City by the Township.
 - vi. If the service charge remains unpaid 30 days after the notice of delinquency is sent by the Township, in addition to any other efforts for collection of the unpaid service charge the Township elects to use, the Township will use the authority of M.S. §366.012 to collect unpaid service charges of this kind.

- b. **Other Emergency Services.** In the event the Township provides or contracts for the provision Emergency Services other than pursuant to the Fire Contract, the Town Board shall determine the reasonable service charge for the services and shall notify the recipient of the amount due in payment for the services. Payment of such amount shall due and owing within 30 days after the Township bills the recipient property owner. If payment is not received within the time provided in the notice, the township shall follow the collection procedures set forth in Section 3 a. iii. – vi., above as applicable.
- c. **Collection of Unpaid Service Charges with Taxes.** Upon a determination by the Township Board to use the authority of §366.012 to collect the unpaid service charges, the Township Clerk shall, on or before September 15 in the applicable year, give written notice to the property owner of the Township’s intention to certify the charge to the auditor. On or before October 15 of each year the township Board will certify to the Sherburne County Auditor any unpaid service charges which shall then be collected together with property taxes levied against the property. The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes, all as provided in M.S. §366.012.

Section 4. Interpretation. Unless otherwise provided, this ordinance shall be interpreted by the general rules of interpretation as provided by and for state law. Except as otherwise provided or required by context, the following specific rules of interpretation shall apply:

- a. Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders, and vice-verse.
- b. Singular and plural. Words in their singular form shall include the plural, and words in their plural form shall include the singular.
- c. Tenses. Words denoting the present tense shall also include the future tense.

Section 5. Severability. If any portion of this ordinance shall be 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.

Section 6. Effective Date. This ordinance shall become effective and enforceable on the day following publication in the official Township newspaper.

Passed by the Town Board of the Town of Clear Lake on this 20th day of April, 2010.

Signed By:
Jack Gallagher
Chairperson


Attested to By:
Debra Seeley
Township Clerk

HISTORY: According to Ordinance No. ORD-2013-007 adopted September 17, 2013:
Ordinance No. 2010-2 IMPOSING A SERVICE CHARGE FOR EMERGENCY SERVICES adopted April 20, 2010 shall be designated Ordinance No. ORD-2010-004.

This renumbered ordinance has been reviewed and approved by the Town Board of Clear Lake Township this 17th day of September, 2013.

By: [Signature]
Chairman of the Board
Gary Gray

Attest: [Signature]
Clear Lake Township Clerk
Mary Mathison



Passed by the Clear Lake Township Board this 17th day of September, 2013.

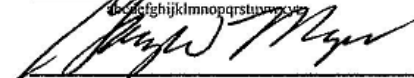
Published in the Sherburne County Citizen the 28th day of September, 2013.

Affidavit of Publication

SHERBURNE COUNTY CITIZEN
Becker Minnesota 55308
State of Minnesota
County of Sherburne

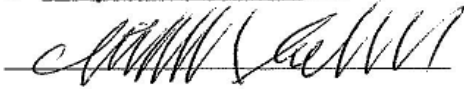
Gary Meyer, being duly sworn on oath says: that he is now and during all the time herein stated has been Gary Meyer, the publisher and printer of the newspaper known as the *Sherburne County Citizen*, and has full knowledge of the facts herein stated. That for more than one year prior to the publication therein of CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007 printed here-to attached, said newspaper was printed and published in the English language from its known office of publication within the County of Sherburne, State of Minnesota, on Saturday of each week in the column and sheet form equivalent in space of 450 running inches of single column 2 inches wide; has been issued from a known office established in said place of publication equipped with skilled workers and the necessary material for preparing and printing the same: The *Sherburne County Citizen* has had in its makeup not less than twenty-five (25) percent of its news column devoted to local news of interest to said communities and purports to serve, the press work of which has been done in its known place of publication, has contained general news, comments and miscellany, has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 500 copies regularly distributed without charge to local residents; that herein has been on file with the office of the Minnesota Secretary of State the affidavit of a person having firsthand knowledge of the facts constituting its qualification as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said office for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul, Minnesota. That the printed CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007 hereto attached as a part hereof was cut from the columns of said newspaper, was published therein in the English language once a week for ONE successive weeks; that it was first published on the 28 day of SEPTEMBER 2013 and thereafter on Saturday of each week to and including the 28 day of SEPTEMBER 2013 and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007.


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Gary Meyer, Publisher

Subscribed and sworn to me this 30 day
of September, 2013



 Christopher S. Meyer
NOTARY PUBLIC
State of Minnesota
My Commission Expires 1-31-2015

**CLEAR LAKE TOWNSHIP
ORDINANCE NO. ORD-2013-007
COMBINE, RENUMBER AND/OR
REPEAL PREVIOUS ORDINANCES**
On September 17th, 2013, the Clear Lake Town Board adopted Ordinance No. ORD-2013-007 which is an ordinance to combine, renumber, and/or repeal previous ordinances. Copies of this ordinance are available on the website: <http://www.clearlaketownship.org/ordinances.html> or during any regular Town Board meeting held on the third Tuesday of every month at 7:00 pm.
Mary Mathison
Clear Lake Township Clerk
(Published in the *Sherburne County Citizen*: 09/28/13.)