

Ordinance No. ORD-2018-008

An Ordinance Amending Ordinance No. ORD-2010-004 of the Town of Clear Lake (Imposing a Service Charge for Emergency Services)

The Board of Supervisors of the Town of Clear Lake ordains:

Sect. 1. Purpose. The purpose of this ordinance is to Amend Clear Lake Township Ordinance No. ORD-2010-004, which imposes a service charge for emergency services.

Sect. 2. Definitions. For the purpose of this ordinance, except as specifically amended herein, the terms used shall have the meanings given in Ordinance ORD-2010-004.

Sect. 3. 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-versa.
- 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.

Sect. 4. Amendments. The following provisions of Clear Lake Township Ordinance No. ORD-2010-004 (referred to herein as the "Ordinance") are hereby amended:

- a. Section 2.c. of the Ordinance is hereby amended as follows:
 - c. "Fire Contract" means the Fire Protection Contract between the City of Clear Lake, the Town of Clear Lake and the Town of Palmer last dated _____, 20____, as the same may be amended, modified, extended, renewed or replaced from time to time.
- b. Sections 3.a.i. through 3.a.vi. of the Ordinance are hereby deleted and replaced as follows:
 - a. **Fire Contract.** The Township has entered into a Contract with the City of Clear Lake and the Town of Palmer for fire protection and other emergency services in accordance with Minn. Stat. Sec. 365.81. Fees for such services may be passed along to individual residents of the Township for whom such services are provided. The amount of such fees to be charged, if any, shall be established in accordance with the Fire Contract and the City's fee schedule, and shall be collected as provided by law, including as provided under Section 3.c. herein.
- c. Section 3.b. of the Ordinance is hereby amended as follows:
 - b. **Other Emergency Services.** In the event the Township provides or contracts for the provision of emergency services other than those provided pursuant to the Fire Contract, the Town Board shall determine the reasonable service charge, if any, which shall be billed to the recipient of the services, shall be due within 30 days after billing, and shall be collected as provided by law, including as provided under Section 3.c. herein.

Sect. 5. Enforcement. The Township shall have the full authority as provided by law to collect service charges for emergency services provided to residents of the township, including the authority to certify such charges upon property taxes, as well as to assess penalties, interest and other costs of collection.

Sect. 6. Penalty. Violations of this ordinance shall constitute a misdemeanor and shall be punishable by up to the maximum penalty for a misdemeanor as provided by state law as from time to time amended, including the cost of prosecution. Each day a violation shall occur shall constitute a separate violation.

Sect. 7. 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.

Sect. 8. Effective Date. This ordinance shall become effective and enforceable on the day following publication.

Passed by the Town Board of Clear Lake Township on this ____ day of _____, 20____.

Chairperson

Attested to by: _____
Town Clerk