

Canosia Township
Ordinance #2021-1: False Alarm Service Charge Ordinance
February 3, 2021

The Board of Supervisors of the Town of Canosia ordains that a service fee will be charged when two or more false alarm calls for emergency medical services are requested from the same property (or properties owned by the same owner or leased by the same lessee) within a 180-day period, resulting in unneeded medical service call responses from the Canosia Fire Department.

SECTION 1: PURPOSE

The purpose of this Ordinance is to protect the health, safety, and welfare of the residents of Canosia Township by discouraging False Alarm Calls for emergency medical services, and thereby preserve limited personnel and equipment resources, and by recovering the excess costs incurred by the Township in responding to such False Alarm Calls.

SECTION 2: INTENT

It is the intent of the Canosia Township Town Board by the adoption of this Ordinance to impose on and collect from the Owner of a Property the Township's excess costs for emergency medical services that are over and above the cost of providing normal emergency medical services throughout the Township if said excess costs are spent as the result of a False Alarm Call that has originated from the Property.

The collection of the costs for such excess emergency medical services, if left unpaid, shall be an assessment against said Property pursuant to the authority in Minnesota Statutes Section 368.01, subd. 15, empowering the Town Board to define nuisances and to provide for their prevention or abatement; and subd. 19, empowering the Town Board to provide for the promotion of health, safety, order, convenience, and the general welfare by ordinances consistent with the Constitution and laws of the United States and this state as it deems expedient; Section 429.101, subd. 1, empowering the Town Board to collect unpaid special charges as a special assessment against the property benefited for the cost of eliminating public health and safety hazards from private property; and Section 366.011 empowering the Town Board to impose reasonable charges for emergency services and to collect such unpaid charges as a special assessment against real property owned by the recipient of the services. Nothing herein shall prevent the Town Board from using the authority and procedures in any other ordinance or statute.

SECTION 3: DEFINITIONS

A. FALSE ALARM CALL

“False Alarm Call” means any communication by any medium (including but not limited to a telephone or cellular call to 911, an email, a text, or a video call) for emergency medical or ambulance service made by a person without a reasonable basis for believing that a medical emergency exists.

B. FALSE ALARM CALL NUISANCE

“False Alarm Call Nuisance” means a two or more False Alarm Calls from the same Property, or from Properties owned by the same owner, or from Properties leased by the same lessee, within a 180-day period, whether or not the same person made the calls.

C. INTERESTED PARTY

“Interested Party” means any natural person making a False Alarm Call; any known lessee or tenant, whether a natural person or legal entity, in possession of the Property; or any other person, whether a natural person or legal entity, who permits or facilitates a False Alarm Call Nuisance, including any person who provides a device to another person that enables that person to make a False Alarm Call. An Interested Party may or may not also be an Owner.

D. OWNER

“Owner” means the person or persons, including natural persons and legal entities, in whose name or names the Property from which a False Alarm Call originates is recorded in the Office of the County Recorder or Registrar of Titles in the county in which the property is situated.

E. PROPERTY

“Property” means real property on which is situated a structure suitable for human shelter, whether public or private, and whether a single or multiple-unit structure, or a commercial structure that is maintained for business activities that involve human occupation, whether a single or multiple-unit structure.

F. TOWN BOARD

“Town Board” means the town board of Canosia Township.

G. TOWNSHIP

“Township” means Canosia Township.

SECTION 4: FALSE ALARM CALL SERVICE CHARGE

As of the effective date of this Ordinance, the costs of a False Alarm Call Nuisance will be charged to the Owner and Interested Parties, jointly and severally, and may be assessed against the Property or Properties as provided in this Ordinance.

SECTION 5: ENFORCEMENT AND PENALTIES

A. This Ordinance shall be enforced by the Town Board.

B. LOG OF EMERGENCY CALLS

The Canosia Town Fire Chief, or his or her designee, shall keep a log of all Fire Department emergency calls, noting the address, date, time, person receiving the service, purpose of each call, and any evidence that the person making the call did not have a reasonable basis for believing that a medical emergency existed.

C. DETERMINATION OF A FALSE ALARM CALL

The Fire Chief shall determine and note in the log whether a call, in the discretion of the Fire Chief, was a False Alarm Call. When a call is determined by the Fire Chief to be a False Alarm Call, it shall be reported to the Town Board.

D. NOTICE

The Town Board shall provide a written notice as required in this Ordinance to the Owner and all known Interested Parties that there has been a False Alarm Call and that a service charge will be assessed for future False Alarm Calls.

The written notice shall state that a False Alarm Call has occurred on the Property and shall state the following:

- a. the address of the Property;
- b. the name of the person making the call if known;
- c. the name and address of the Owner;
- d. the name and address of any known Interested Parties;
- e. the date and time the False Alarm Call was received;

- f. a summary of the evidence that the person making the call had no reasonable basis for believing that a medical emergency existed;
- g. that the Owner and Interested Parties have thirty days to abate the conduct and to take steps to ensure that a False Alarm Call does not re-occur;
- h. that if, after thirty days from the date of service of the notice, and within 180 days of the first False Alarm Call, a second False Alarm Call occurs from the Property, or from another Property owned by the same owner or leased by the same lessee, the Owner and all Interested Parties shall be jointly and severally responsible for the costs of emergency medical services for the second False Alarm Call and all subsequent False Alarm Calls until 180 days have elapsed from the last False Alarm Call;
- i. that if charges are due, the Town Board will provide written notice to the Owner and all Interested Parties of the amount of the service charges and that the charges are due and payable within 30 days after such notice is served; and
- j. that, if payment is not received within 30 days of the notice of charges, the costs may be collected by assessment against the Property or Properties as provided in this Ordinance or as allowed by any other ordinance or statute.

All written notices required or allowed under this Ordinance shall be served in the manner for service of a civil summons; or by certified mail sent to the last known address, which shall be effective on the date it is deposited in the mail.

E. SPECIAL ASSESSMENT

The Canosia Town Board may, in addition to any other method authorized by law or charter, provide for the collection of unpaid charges described in this Ordinance as a special assessment against the Property or Properties. All unpaid service charges shall be subject to a 10% late fee and shall be added as a special assessment to the real property tax statement. All collections of such charges or special assessments shall be pursuant to Minnesota Statutes Chapters 429.101, subd. 1(a)(8) and 366.011 and any related Minnesota Statutes.

F. FEE SCHEDULE

A fee schedule defining the service charge based upon the annual Fire Department levy shall be adopted by Town Board Resolution and may be amended by resolution from time to time. The fee schedule effective February 3, 2021, and continuing in effect until amended by resolution is attached as Exhibit A hereto.

SECTION 6: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication as required by law pursuant to Minnesota Statutes Section 368.01, subd. 21.

SECTION 7: SEVERABILITY

This ordinance and its various sections, subsections, sentences, phrases, and clauses are severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby and shall be construed to give effect to the purpose of the Ordinance.

SECTION 8: REPEAL

All prior ordinances or parts thereof that are in conflict in whole or in part with any provisions of this ordinance as of its effective date are hereby repealed to the extent of such conflict.

EFFECTUATION

This ordinance shall take effect and be in full force on February 3, 2021, after adoption by the Canosia Town Board of Supervisors. Township Supervisor _____ moved for the adoption of this ordinance. Township Supervisor _____ duly seconded the motion and it was adopted on the following vote:

Yays _____

Nays _____

Abstain _____

This ordinance was declared adopted by the town board of Canosia, St. Louis County, Minnesota, on this 3rd day of February of 2021.

Kurt Brooks, Canosia Town Board

Kevin L. Cornick, Canosia Town Board

Daniel J. Golen, Canosia Town Board

ATTEST:

Susan Krasaway, Canosia Township Clerk

Ordinance Adopted Date: _____

Ordinance Effective Date: _____

EXHIBIT A

False Alarm Medical Call Service Charge Calculation

February 3, 2021

Annual Fire Department Levy which includes: Operating & maintenance expenses, fire truck replacement and fire fighter retirement benefits	\$100,000
Approximate annual number of fire and medical calls	200
Reasonable Service Call Cost = Annual Levy / Number of Calls	
False Alarm Medical Call Service Charge per call	\$500