

# **CHAPTER 10**

## **PUBLIC SAFETY, HEALTH AND WELFARE**

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## SECTOION 10.010 BOARD OF HEALTH

**Subd. 1. Board of Health, Health Officer.** A Board of Health is hereby established in and for the City of Eagle Lake consisting of a physician, who shall be the Chief Executive Officer of the Board and who shall be the City Health Officer, and three other members, all to be appointed by the Council. When first appointed, one member of the board shall be appointed for one year, one member for two years and one for three years. Thereafter, all appointments shall be for a period of three years. Appointments shall be made as of January 2nd of the current year and shall be made at the first meeting of the Council year. No member of the City Council shall be a member of the Board of Health. The members of the Board of Health shall receive no compensation for their services. The City Health Officer, however, shall receive compensation on a fee basis.

**Subd. 2. Board of Health: Duties.** The Board of Health shall make such investigations and reports and shall obey such directions concerning communicable diseases as the State Health Department may require or give and shall cause to be obeyed and enforced all statutes, ordinances and all lawful rules and regulations concerning public health. In suppressing communicable diseases all medical and other assistance may be employed as is deemed necessary in establishing, enforcing, guaranteeing and the release thereof. All expense thus properly incurred shall be paid and thereafter certified to the County Auditor for allowance and payment of one-half of the amount by the County as provided by law, provided that no such expense shall be paid by the City unless payment is refused by the person or persons liable therefore under the statutes.

**Subd. 3. Duties of Health Officer.** The Health Officer shall execute the lawful orders of the state and local Board of Health and perform such other duties as are or may be prescribed by statute, by ordinance or resolution of the City Council or be regulation of the state Board of Health. He shall cause to be enforced the nuisance ordinance of the City insofar as they relate to matters in any way affecting the public health.

- A. They are hereby given power and it is made their duty, to enter and inspect any and all premises where food or food products are sold or are stored that are to be offered to the public and to see that no unwholesome thing is offered for sale to the public or that no unsanitary or unwholesome conditions exist on such premises.
- B. They shall issue individual orders requiring owners and/or occupants of any premises to abate any nuisance or unwholesome condition. A copy of such order is to be filed with the City Clerk. Failure to comply with such individual orders shall be unlawful and shall be punished as herein provided.

**Subd. 4. Obstruction of Board of Health Officer Unlawful.** It shall be unlawful for any person to oppose or obstruct a member of the City Board of Health or the physician charged with the enforcement of health laws in performing any legal duty or for such person to obstruct or hinder the entry of such health officer upon premises or into buildings or other places where contagious, infection, filth or other source or cause of preventable disease exists or is reasonably suspected to exist.

**Subd. 5. Penalty.** Any person, firm or corporation which shall violate any of the orders lawfully made under No. 3 of this ordinance, shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine and/or imprisonment equal to, but not to exceed the State limitations for a misdemeanor.

### **SECTION 10.020 POLICE PROTECTION**

A City Police force is hereby established. The City Council shall employ as many men or women to assist this force as the Council deems necessary; and shall establish their salary and working hours. The City Police shall obey all lawful orders of the Council, serve legal papers, assist the Court in its work and enforce all city ordinances and state statutes relating to the highway traffic and parking and relating to the preservation of the peace within city limits.

### **SECTION 10.030 FIRE PROTECTION**

**Subd. 1. Volunteer Fire Department.** For the protection of lives and property of the citizens of the City of Eagle Lake, there is hereby created a Volunteer Fire Department to be known as the “Eagle Lake Volunteer Fire Department.”

**Subd. 2. Membership Limit.** Such Fire Department shall consist of not more than twenty-five (25) members and five (5) reservists. (07-07-2014)

**Subd. 3. Selection of Officers.** Fire Chief of said department shall be recommended by the Fire Department Trustees and be selected by the City Council during December of the calendar year for the subsequent year. The terms of the office shall be one year. The Council will review recommendations from the Fire Chief for other offices as recommend by the Chief. (01-05-2015)

**Subd. 4. Officers.** The officers of said department shall be: A chief and two assistant chiefs, training officer, assistant training officer, one RIT captain, medical officer, a president, a vice-president, a secretary and a treasurer. (07-07-2014)

- A. The assistant chief shall be eligible to the offices of president and vice president. (07-07-2014)
- B. The chief shall be the fire marshal of the City.
- C. The chief and his assistant shall be subject to the approval of the Council.
- D. The department may create such other offices as it deems necessary for the efficiency of the department.

**Subd. 5. Internal Regulations.** The department may make all their own regulations and by-laws for the government of the same, and shall report to the Council the names of all

members of the department, and the regulations and by-laws of the State of Minnesota.

**Subd. 6. Relief Association Authorized.** The department may, whenever they decide to do so, organize a Relief Association in accordance with the laws of the State of Minnesota.

**Subd. 7. Department Authority.** The department is hereby authorized to answer fire calls in the surrounding country and calls to assist neighboring cities, and for that purpose take what apparatus is necessary. When answering such calls the members of the department shall be considered as on duty as City volunteer firefighters.

## **SECTION 10.040 FIRE PREVENTION**

**Subd. 1. Adoption of Fire Prevention Code.** It is hereby adopted by the City Council of Eagle Lake, Minnesota, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code. Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1960 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by Subd. 6 of this ordinance, of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Eagle Lake, Minnesota, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlled within the limits of the City of Eagle Lake, Minnesota.

**Subd. 2. Enforcement.** The Fire Prevention Code shall be enforced by the chief of the Fire Department.

**Subd. 3. Definition.** Wherever word “Municipality” is used in the Fire Prevention Code, it shall be held to mean the City of Eagle Lake, Minnesota.

**Subd. 4. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks and Bulk Storage of Liquefied Petroleum Gases is to be Restricted.** The limits referred to in the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows City of Eagle Lake, Minnesota.

**Subd. 5. Amendments Made in the Fire Prevention Code.** The Fire Prevention Code is amended and changed in the following respects: None.

**Subd. 6. Modifications.** The chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the Fire Department thereon shall be entered upon the records of

the department and a signed copy shall be furnished the applicant.

**Subd. 7. Appeals.** Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the City Council of Eagle Lake, Minnesota, within thirty (30) days from the date of the decision of the appeal.

**Subd. 8. Penalties.**

- A. Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of Eagle Lake, Minnesota, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine and/or imprisonment equal to, but not to exceed the State limitations for a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Subd. 9. Repeal of Conflicting Ordinances.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

**Subd. 10. Separability.** The City Council of Eagle Lake, Minnesota, hereby declares that should any subdivision, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of Eagle Lake, Minnesota, that it would have passed other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

**SECTION 10.050 FEES FOR EMERGENCY FIRE SERVICES**

**Subd. 1. Purposes and Intent.** This ordinance is adopted for the purpose of authorizing the City of Eagle Lake to charge for emergency fire services as authorized by M.S. 366.011, 366.012 and 415.01.

**Subd. 2. Definitions.**

- A. “Fire service” means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventive measure in an effort to protect equipment, life or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, and extrication, and any other services related to fire and rescue as may occasionally occur.
- B. “Fire service charge” means the charge imposed by the City for receiving fire service.
- 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. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.
- D. “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire service.
- E. “Mutual aid agreement” means 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.

**Subd. 3. Parties Affected.**

- A. Owners of property within the City who receive fire service.
- B. Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- C. Owners of property in towns or cities to which the City of Eagle Lake provides fire service pursuant to a fire protection contracts.

**Subd. 4. Rates.** All rates charged for emergency fire services shall be set by the City Council of the City of Eagle Lake by resolution.

**Subd. 5. Billing and Collection.**

- A. Parties requesting and receiving fire services will be billed directly by the City of Eagle Lake within 60 days of the fire service. Additionally, if the party receiving fire services did not request such service, but a fire or other situation exists which, at the discretion of the Fire Department unit in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a parties’

insurance remains a debt of the party receiving the fire service.

- B. The parties 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.
- C. 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 party receiving fire service charge shall be liable for all collection costs incurred by the City including, but not limited to reasonable attorney's fees and court costs.
- D. If the fire service charge service charge remains unpaid for 30 days after the notice of delinquent is sent, the Council may also, on or before October 15<sup>th</sup> of each year, certify the unpaid fire service charge or emergency medical service charge to the County Auditor in which the recipient of the services owns real property for collection with 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<sup>th</sup>.
- E. False alarms will not be billed as fire call unless the property owner has three or more false alarms within a twelve month period.

**Subd. 6. Mutual Aid Agreement.** When the City Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.

**Subd. 7. Billing Procedure for Fire Protection Contracts with Towns or Other Cities.** When the City Fire Department provides fire service to another fire department pursuant to a Fire Protection contract, the billing will be determined by the contract.

**Subd. 8. 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 10.060 CIVIL DEFENSE**

The model municipal civil defense ordinance set forth as Appendix No. 6 to Municipal Prototype Plan of the Minnesota Survival Plan prepared and published by the State of Minnesota Department of Civil Defense, three copies of which ordinance are on file in the office of the City Clerk of Eagle Lake, Minnesota, is hereby adopted as the civil defense ordinance of the City. Every provision contained in such ordinance is hereby adopted and made a part of this ordinance as fully asset forth explicitly herein.