

Chapter 24 FIRE PREVENTION AND PROTECTION*

***Cross reference(s)**--Buildings and building regulations, ch. 10; fire limits, § 10-111 et seq.; civil emergencies, ch. 14; emergency services, ch. 20.

State law reference(s)--Authority to provide for fire prevention and protection, M.S.A. § 412.221, subd. 17; municipal fire prevention generally, M.S.A. § 438.05 et seq.

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ARTICLE I. IN GENERAL

Secs. 24-1--24-30. Reserved.

ARTICLE II. FIRE DEPARTMENT*

***Cross reference(s)**--Officers and employees, § 2-101 et seq.

Sec. 24-31. Furnishing of services.

- (a) Fire department services shall be furnished by the Le Center area fire commission in accordance with the most recent agreement made with that commission.
- (b) While selection of officers shall be under the jurisdiction of the fire commission, the city council would recommend that election of officers and their duties will be consistent with the most recent constitution of the Le Center fire department. The most recent agreement between the city and the Le Center area fire commission is not printed in this volume but is on file and available in the city offices.

Sec. 24-32. Department constitution.

The constitution of the Le Center fire department is not printed in this volume but is on file and available in the city offices.

Secs. 24-33--24-65. Reserved.

ARTICLE III. AREA FIRE DISTRICT

DIVISION 1. GENERALLY

Sec. 24-66. Organization and purpose.

- (a) There is formed the Le Center Area Fire District, to be managed by a board of commissioners.
- (b) The purpose of the district is to provide contract municipalities with fire protection services, including but not limited to fire prevention and firefighting.
- (c) The area included within the district is as follows:
 - (1) The City of Le Center corporate limits.
 - (2) Town of Cordova, sections 1--18, 20--24, 26--29, 33--34.
 - (3) Town of Derrynane, sections 28, 31--34, SW 1/4, all but NE 1/4 35, SW 1/4 27.

(4) Town of Lexington, sections 2--11, 14--23, 25--36.

(5) Town of Sharon, sections 12--13, 23--27, 35--36.

(Code 1987, § 203.02)

Sec. 24-67. Funding authority.

(a) Each calendar year, each municipality shall pay to the fire district a share of the district's operating expenses determined as follows:

(1) Service area annual share is to be based on each municipality's assessed valuation in the area serviced by the Le Center area fire department.

(2) The determination will be adjusted every two years to reflect growth and any change in assessed valuation.

(b) The revenues due the district from each municipality shall be due and payable in one payment on November 15 of each year.

(Code 1987, § 203.04)

Sec. 24-68. Defaults.

If any municipality party to the agreement addressed in this article fails to fulfill its financial commitments by the date specified in this article, the board of commissioners may in their discretion discontinue providing services to the defaulting municipality until the default is removed.

(Code 1987, § 203.06)

Sec. 24-69. Services dependent upon funding.

The obligation to furnish fire protection services for the municipalities in this article shall continue as long as the municipalities fund the fire district so that proper fire protection services can be provided.

(Code 1987, § 203.10)

Sec. 24-70. Use of equipment.

(a) All equipment controlled by the board of commissioners shall be used when needed within the boundaries of the fire district and shall not be used outside of the district except as follows:

(1) In areas outside of the district when fire or emergency may endanger life or property within the district.

- (2) When such use is covered by contracts duly entered into by the board with municipalities or organizations for fire protection and other services outside of the district.
 - (3) To fulfill mutual aid agreements duly entered into by the board.
 - (4) In case of major emergency or disaster, when authorized by the fire chief, or in his absence, the officer in charge.
 - (5) When specifically authorized by the board.
- (b) Such use outside of the district shall be authorized only when the fire chief, or in his absence, the officer in charge, has determined that the absence of the equipment from the district will not impair the protection of the district. The fire chief or the officer in charge shall have the authority to determine priority in answering calls and to assign equipment and manpower.

(Code 1987, § 203.05)

Sec. 24-71. Ownership of district assets.

The fire hall shall remain the property of the city. All vehicles and equipment shall be the property of the Le Center area fire commission.

(Code 1987, § 203.08)

Secs. 24-72--24-95. Reserved.

DIVISION 2. BOARD OF COMMISSIONERS*

 *Cross reference(s)--Administration, ch. 2.

Sec. 24-96. Duties.

It shall be the duty of the board of commissioners to manage, control, direct and implement the purpose and intent of this article.

(Code 1987, § 203.02(4))

Sec. 24-97. Membership.

The board of commissioners shall consist of one member each from the City of Le Center; the towns of Cordova, Derrynane, Lexington and Sharon; and the Le Center area fire department. The Le Center area fire department fire chief shall serve as a nonvoting member of the board. The members will be appointed by the city council, town boards or fire department respectively. The members will serve at the pleasure and discretion of their appointing body.

(Code 1987, § 203.02(5))

Sec. 24-98. General powers of the board.

- (a) The board of commissioners shall have all powers, duties and functions enumerated in this article, and all such further powers necessary to carry out the intent and purpose of the fire district with respect to acquisition of property and operation of the district heretofore set forth, including the following:
- (1) To provide, maintain and improve a fire department and related fire protection services.
 - (2) To approve the fire chief and other officers of the Le Center area fire department upon recommendation of the department.
 - (3) To employ fire protection, administrative and other personnel, accountants, consultants, engineers, legal counsel, and other qualified personnel, who may be paid for their services as may be agreed upon by the parties.
 - (4) To cause reports, plans, studies and recommendations to be prepared.
 - (5) To determine the need for equipment and other property to be purchased and maintained.
 - (6) To enter into mutual aid agreements with other organizations with similar purposes.
 - (7) To obtain on behalf of the contracting municipalities, as joint owners of the equipment, suitable, proper and adequate public liability, workers compensation and other insurance against loss by fire, windstorm and other risks customarily insured against by reasonable owners of like property.
 - (8) To lease or purchase equipment and supplies as necessary for the proper operation, care, maintenance, preservation and replacement of the district's facilities and equipment.
 - (9) To sell or lease any of its facilities, equipment or other property as may be deemed expedient.
 - (10) To establish a yearly budget within the limits of state law fixing the maximum tax levy for fire protection services pertaining to the district.
 - (11) To act as agent for receipt, custody and disbursement of taxes, gifts or other funds paid or given to the contracting municipalities in behalf of and for the use of the district.
 - (12) To act as paying agent for any bonds, contracts of indebtedness and loans made in the names of the contracting municipalities for the benefit of the district, and to act as custodian of sinking funds created for or required by such indebtedness.

- (13) To order an annual audit to be made of all its accounts, books, vouchers and funds. This audit shall be submitted to the city council by the February regular meeting in the following year.
- (14) To set rates and charges for firefighting services provided by the fire department.
- (b) The board shall elect from its own members a chair, vice-chair, secretary and treasurer.
- (c) All disbursements of the board shall be approved by the board at regular or special meetings and cosigned by two of the officers designated by the board.
- (d) Officers authorized to make disbursements shall be bonded in an amount to be determined and approved by the board before entering upon the performance of their duties.

(Code 1987, § 203.03)

Sec. 24-99. Liability; governmental function.

The board of commissioners shall be deemed to be exercising a governmental function by all of its activities, and the provisions of M.S.A. § 466.01 et seq., in regard to tort liability are confirmed.

(Code 1987, § 203.07)

Sec. 24-100. Meetings.

- (a) The board of commissioners shall meet at least four times yearly. These meetings shall be held on the third Tuesday of January, April, July and October of each year.
- (b) Special meetings may be called by the chair or any two members of the board. Meetings must comply with M.S.A. § 471.705 concerning public meetings.

(Code 1987, § 203.09)