

Section 915 - Intergovernmental Fire Contracts

915.01. Request. Subdivision 1. Procedure. Whenever any governmental subdivision desires the city to furnish it with fire protection, it shall make written application therefor to the manager, specifying the corporate area for which such fire protection is to be furnished, and accompanying such application with a map showing all roads in such area.

Subd. 2. Review. The manager shall refer such application to the chief of the fire department, who shall endorse thereon the recommendation of the department and return the application to the manager.

Subd. 3. Council action. The manager shall then present such application to the council, and the council may authorize the execution of a contract for such fire protection between the applicant and the city under such terms and conditions as the council deems necessary.

915.03. Contract provisions. Any contract shall be subject to the following terms, conditions and provisions, whether or not the same are expressly stated therein, namely:

- a) In conformity with the rule of the law of nonliability of the city to its residents in the performance of governmental functions of fire protection, the applicant releases the city, its officers, agents and employees, and the fire department from all claims for damages or losses resulting from failure to furnish or delay in furnishing men or apparatus, or from failure to prevent, control or extinguish any conflagration whether resulting from the negligence of the city, its officers, agents, or employees, or the fire department, or otherwise.
- b) The applicant will indemnify and save harmless the city, its agents, officers and employees and the fire department from all claims for injury, loss or damage to persons or property arising out of the use and operation of the equipment of the fire department in connection with the furnishing of fire protection provided for by the contract.
- c) The chief of the fire department of the city, or in case of his absence or disability, the person in active charge of the fire department, may in his discretion retain in the city such equipment and personnel, as may in his opinion be necessary for the proper and adequate protection of the city, and shall dispatch for the protection of the applicant only such personnel and equipment in response to fire alarms or calls as in his opinion can for the time being be safely spared from the city, and in case an emergency arises within the city, while the equipment and personnel of the fire department are engaged in fighting a fire for the applicant, the chief, or other person in active charge of the fire department may, in his discretion, recall to the city from the service of said applicant such equipment and personnel as he may, in his opinion, consider necessary to meet said emergency. The determination of the chief, or the active head of the fire department, as to what equipment shall be furnished or withdrawn, as provided herein, shall be final and conclusive.

915.05. Payment for service. The applicant shall pay any charges accruing under the contract within 30 days after the city mails applicant a bill therefor, and in care of nonpayment within that time the city may, upon written notice, immediately terminate the contract.

915.07. Amount of charges. Subdivision 1. Amount. The applicant shall pay for the fire protection as follows: the sum of \$200 for each hour, or fraction thereof, for the use of each fire truck or other motorized equipment, such time to be computed from the time the alarm is received by the fire department of said city, and continue until the men and equipment used in answering said alarm for fighting a fire for said applicant shall have returned to the proper quarters of said city, and such equipment has been put in shape for further service.

Subd. 2. Additional charges. In addition to such hourly charge, the applicant shall pay a yearly "standby" charge in such amount as may be determined by the council and agreed to by the applicant.

915.09. Reciprocal agreements. No charge shall be imposed for the use of fire equipment and personnel in the case of communities which may have reciprocal agreements for such service with the city.

915.11. No contracts with private owners. No contract may be entered into between the city or its fire department and a private person for fire protection to property located outside the corporate limits of the city.