

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-236**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
DELETING THE FIRE DEPARTMENT CODES 32.055 THROUGH 32.067**

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that City Code 32.055 through 32.067 relating to the Fire Department, shall be repealed as follows:

**~~§ 32.055 ORGANIZATION.~~**

~~—The Fire Department shall consist of 1 Chief, 1 Assistant Chief at each fire station, and up to 28 firefighters between the ages of 18 to 65 years of age who are approved by the Council.~~

~~{1997 Code, § 215.01}~~

**~~§ 32.056 MEMBERSHIP.~~**

~~—(A) The Fire Chief shall submit all applications or resignations from the Fire Department to the City Administrator.~~

~~—(B) The City Administrator will then notify the Council of any new applicants or resignations from the Fire Department.~~

~~{1997 Code, § 215.02}~~

**~~§ 32.057 DUTIES.~~**

~~—In all cases of fire, the Chief, or in the Chief's absence the Assistant Chief or next senior officer, shall have full control over all fire equipment and shall cause the equipment to be used in the most advantageous manner.~~

~~{1997 Code, § 215.03}~~

**~~§ 32.058 RECORDS.~~**

~~—(A) The Chief shall maintain records of all alarms, fire losses, methods of extinguishment, drills, and conditions of equipment and hydrants.~~

~~—(B) The Chief shall present current records to the Council at least quarterly.~~

~~{1997 Code, § 215.04}~~

**~~§ 32.059 REMOVAL OF OBSTRUCTIONS.~~**

~~—At any fire, the Chief and the Chief's assistant shall have authority to authorize and direct the removal of any and all obstructions from in front of and around fire hydrants.~~

~~(1997 Code, § 215.05)~~

**~~§ 32.060 MAINTENANCE.~~**

~~—The Chief shall properly maintain all fire equipment and facilities, inspect all new equipment, and conduct appropriate drills to maintain a reasonable level of skill among the firefighters.~~

~~(1997 Code, § 215.06)~~

**~~§ 32.061 UNAUTHORIZED USE OF EQUIPMENT.~~**

~~—Unauthorized use of equipment of facilities shall be a misdemeanor.~~

~~(1997 Code, § 215.07) Penalty, see § 10.99~~

**~~§ 32.062 RIGHT OF WAY.~~**

~~—(A) All personal cars of Fire Department members shall have right of way over all other traffic when responding to a call.~~

~~—(B) Firefighters' cars may be designated, if necessary. Firefighters shall obey all traffic laws en route to a fire alarm.~~

~~(1997 Code, § 215.08) Penalty, see § 10.99~~

**~~§ 32.063 OBSTRUCTIONS.~~**

~~—No person shall park any vehicle of any description or place any material or obstruction within 20 feet of the entrance to any fire station, or within 15 feet of any fire hydrant or fire cistern, nor park any vehicles within 300 feet of a fire.~~

~~(1997 Code, § 215.09) Penalty, see § 10.99~~

**~~§ 32.064 FALSE ALARM.~~**

~~—No person shall maliciously or intentionally sound a false fire alarm.~~

~~(1997 Code, § 215.10) Penalty, see § 10.99~~

**~~§ 32.065 PURSUIT.~~**

~~—No unauthorized person shall ride upon, race with, trail, or follow within 600 feet of any apparatus belonging to the Fire Department when actively responding to a fire alarm.~~

~~(1997 Code, § 215.11) Penalty, see § 10.99~~

**~~§ 32.066 OBSTRUCTION OF FIRE DEPARTMENT.~~**

~~—(A) It is unlawful for any person to oppose or obstruct a member of the Fire Department or a firefighter in the performance of any legal duty.~~

~~—(B) It is also unlawful for any person to obstruct or hinder the entry of a firefighter upon premises or into buildings or other places where a fire or fire hazard exists or is reasonably suspected to exist.~~

~~(1997 Code, § 215.12) Penalty, see § 10.99~~

**~~§ 32.067 COMPOSITION, APPOINTMENT AND THE LIKE.~~**

~~—(A) *Composition.* The Lake Elmo Fire Department (the "Fire Department") is a volunteer department of the City of Lake Elmo (the "City") and shall consist of a fire chief; 2 district fire chiefs; 4 fire captains, and up to 28 additional firefighters. A total of 35 positions are authorized. The Fire Department is also authorized 2 volunteer support services positions (non firefighter) with need defined and requested by the chief and approved by the City Administrator. Payment structure will be defined by the City Administrator.~~

~~—(B) *Position classification.* Firefighter positions have 2 classifications for compensation purposes: The city's employee/voluntary firefighter and voluntary firefighter. Non firefighter positions will be defined as Volunteer Support Services.~~

~~—(C) *Compensation.* City employee voluntary firefighter positions shall be compensated at an annual stipend rate of \$2,500 per year. This compensation will be provided to a volunteer firefighter, in good standing, who is a City employee that volunteers for the Fire Department. City volunteer firefighter positions shall be compensated at a rate of \$10.25 per hour for calls for service. The compensation for voluntary firefighter service will change as proposed by the City Administrator and approved by the City Council. In addition, an annual and equal contribution to the city's Fireman's Retirement/Relief Association will be provided for each firefighter position regardless of the position or employment classification. The rate of contribution will vary as required by Minnesota Statute.~~

~~—(D) *Appointment of Fire Chief.* The replacement of the Fire Chief shall be selected by the Mayor and City Administrator from a pool of existing city firefighters, who have formally expressed interest in position through an application process and after achieving the established selection criterion. The Fire Chief will report to the City Administrator for overall management and regulation subject to the review by the City Council. The City Administrator and Mayor shall define the selection process. The selected candidates name shall be forwarded to the City Council for appointment confirmation. The Chief shall remain in that appointed position unless removed by the City Administrator and Mayor after formal concurrence by the City Council. The City Administrator and Mayor shall provide an annual evaluation of the fire chief. A volunteer fire chief stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.~~

~~—(E) *Appointment of District Fire Chiefs.* The District Fire Chiefs shall be selected in a designed process by the City Administrator and the Fire Chief and confirmed by the City Council. The District Fire Chiefs will continue to serve in the appointed position unless removed by the City Administrator and Fire Chief and confirmed by the City Council. The District Fire Chiefs will report to the Fire Chief for overall management and regulation. A volunteer District Fire Chiefs stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.~~

~~—(F) *Appointment of Fire Safety Officer.* The Fire Safety Officer shall be selected by the Fire Chief and, recommended to the City Administrator for confirmation by the City Council. The Fire Safety Officer will continue to serve in the appointed position unless removed by the City Fire Chief and City Administrator for confirmation by the City Council. The Fire Safety Officer will report to the Fire Chief for overall management and regulation. A volunteer Fire Safety Officer stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.~~

~~—(G) *Appointment of Fire Captains.* The Fire Captains shall be selected in a designed process by the City Fire Chief, District Fire Chiefs and recommended to the City Administrator for confirmation by the City Council. The position of Captain will continue to serve in the appointed volunteer position unless removed by the Fire Chief and recommended to the City Administrator for confirmation in by the City Council. The Captains will report to the Fire Chief and District Fire Chiefs for overall management and regulation. A volunteer Fire Captain's stipend will also be paid in addition to the volunteer firefighter payment for responding to calls for service.~~

~~—(H) *Fire Department Policy Manual.* The Fire Chief and District Fire Chiefs shall develop, review and implement Department policies to communicate existing rules, operational procedures and practices and to establish performance standards. Policy developed shall be reviewed by the District Fire Chiefs, Fire Captains and the Fire Safety Officer prior to review and concurrence by the city's Administrator. Department Policies shall define as required behavior. Standard Operating Guidelines (SOGs) shall also be developed in a separate section of the Departmental Policy Manual. SOGs should be considered as guidance's and not required behavior. All Fire Department SOGs will have a final review and concurrence by the City Administrator. Any portion of an SOG developed or implemented determined in conflict with City operational practice or law will be considered repealed.~~

~~—(I) *Equipment.* The Fire Chief shall prepare and, from time to time update, an inventory of the Fire Department equipment and shall recommend additions to or replacement of equipment for inclusion in the city's Capital Improvement Program.~~

~~—(J) *Unauthorized use of equipment.* Unauthorized use of Fire Department equipment or facilities shall be a misdemeanor.~~

~~—(K) *Right of way.* All personal cars of Fire Department members shall have right of way over all other traffic when responding to a call. Firefighters cars may be designated as such if necessary. Firefighters shall obey all traffic laws en route to a fire alarm.~~

~~—(L) *Obstructions.* No person shall park any vehicle of any description or place any material or any obstruction within 20 feet of the entrance to a fire station or within 15 feet of any fire hydrant or fire system. No person shall park any vehicles within 300 feet of a fire. No person shall oppose or obstruct a member of the Fire Department or a firefighter in the performance of any legal duty. No person shall obstruct or hinder the entry of a firefighter upon premises or into buildings or other places where a fire or fire hazard exists or is reasonably suspected to exist.~~

~~—(M) *False alarm.* No person shall maliciously or intentionally sound a false alarm.~~

~~—(N) *Pursuit.* No unauthorized person shall ride upon, race with, trail or follow within 600 feet of any apparatus belonging to the Fire Department when actively responding to a fire alarm.~~

~~(Ord. 97-141, passed 9-21-2004)~~

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-<sup>236</sup>XXX was adopted on this 2<sup>nd</sup> day of June 2020 by a vote of 5 Ayes and 0 Nays

**LAKE ELMO CITY COUNCIL**



Mike Pearson, Mayor

ATTEST:

  
Julie Johnson, City Clerk

This Ordinance 08-<sup>236</sup>XXX was published on the 19<sup>th</sup> day of June, 2020.