
CHAPTER 3**POLICE REGULATIONS****385. NON-EMERGENCY LIFT ASSISTS**

Section 385.01. Findings and Purpose. The city council recognizes that the city has limited staff and resources and that state-licensed assisted living facilities are required by law to have the staffing to meet the reasonably foreseeable needs of their residents, including those related to mobility. The city council finds that non-emergency lift assist responses to assisted living facilities present a substantial burden to the city by expending public resources and limiting the availability of first responders. By adopting this section, the city intends to impose and collect fees for repeated, non-emergency responses to such facilities.

Section 385.03. Definitions. The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a

Assisted living facility means any facility that is licensed by the state department of health pursuant to Minnesota Statutes, chapter 144G and meets the definition of “assisted living facility” contained in Minnesota Statutes, section 144G.08, subd. 7, as it may be amended from time to time.

City administrator means the city administrator or his or her designee.

Lift assist means a response by public safety personnel to a service call for assistance to physically move a person who does not require and is not provided by public safety any specialized services related to patient transportation or emergency care or treatment.

Non-emergency fall response means a response by peace officer or firefighter for a lift assist where the individual assisted is uninjured or has minor injuries not requiring transport and for which assistance was requested primarily for lifting. Regardless of how classified by dispatch, the determination that a service call is a non-emergency fall response is at the discretion of the responding public safety personnel.

Non-emergency response fee means a fee imposed on the responsible party as a result of non-emergency fall response, as set forth in the city’s official fee schedule. The fee shall be reasonably calculated to recover some or all of the costs incurred by the city in public safety’s response.

Public safety means the collective reference to the city’s police department and/or its designated fire department.

Responsible party means the owner of any assisted living facility responsible for, or receiving the benefit of, a non-emergency fall response.

Section 385.05. Establishment of Fee; Notice and Collection.

Subd. 1. A non-emergency response fee shall be imposed for non-emergency fall response services upon a responsible party for each instance of such services being rendered at an assisted living facility.

Subd. 2. Notice of the imposition of a fee under this section, including an invoice, shall be personally served or sent via U.S. mail to the responsible party. Any such invoice shall be due and payable by the deadline established therein, which shall not be less than 30 days from the date of service or mailing, as the case may be. The invoice shall include notice of the appeal procedure provided in subdivision 3 below. If a written appeal is submitted, the fees or costs, if upheld in whole or in part, shall be due and payable 30 days from the date of determination of the appeal.

Subd. 3. Any responsible party or other designated representative of an assisted living facility who receives a notice and invoice under subdivision 2 above may, within 10 days after its issuance, appeal to the city administrator in writing at the address listed on the notice for submission of appeals. The written appeal should include the appellant's reasoning why the imposition of the fee should be reconsidered. Reasons such as cost or policy determinations shall not constitute sufficient reasons to warrant reversal of the determination that a fee should be assessed under this section. The city administrator will impartially review all information provided with the appeal and issue a decision in writing to the appellant within 30 days. The city administrator's decision shall be deemed final. Unless an appeal is properly and timely submitted in accordance with this subsection, any fee assessed under this section will be deemed final.

Subd. 4. All fees authorized and imposed under this section that become final and unpaid shall constitute an unpaid service charge to the assisted living facility collectable by the city pursuant to Minnesota Statutes, section 366.012, which is available to the city under Minnesota Statutes, section 415.01, subdivision 1. Any portion of the fee not paid, including penalties and collection costs, may be certified for collection on the property taxes of the assisted living facility. The city may also pursue any other options available to it under law to recover the amounts owed by a responsible party, including the costs of collection.

Section 385.07. Legal Remedy Non-Exclusive.

Subd. 1. Nothing in this section shall be construed to limit the city's other available legal remedies for any violation of the law, which may be subject to a non-emergency response fee hereunder, including criminal, civil, administrative, injunctive, or other remedies.

Subd. 2. Nothing in this section shall be construed to require or prevent the arrest and/or citation of any person or persons for violations of federal, state or local laws or ordinances.

Amendment History of this Section

Adopted December 2, 2025. (Ord. 752)