

## Ordinance Number: 19-18

### AN ORDINANCE OF THE ARCATA FIRE PROTECTION DISTRICT ESTABLISHING A SCHEDULE OF FEES FOR RECOVERY OF COSTS FOR SERVICES PROVIDED PURSUANT TO HEALTH AND SAFETY CODE § 13916

**WHEREAS**, the costs of providing fire protection and life safety services continues to increase;

**WHEREAS**, the Arcata Fire Protection District ("District") is funded by taxes levied on real property located within the geographic boundaries of the District;

**WHEREAS**, numerous services offered by the District directly benefit discreet members of the general public for which fees may properly be imposed and for which existing parcel tax revenue does not proportionally account;

**WHEREAS**, the District has incurred increased costs for development within the District boundaries which has placed an increased demand on existing resources and fire suppression personnel, who are increasingly conducting numerous and complex occupancy and building safety inspections;

**WHEREAS**, emergency services response activity to incidents continues to increase each year, placing further burdens on existing District resources;

**WHEREAS**, pursuant to Health and Safety Code §§ §13917 - 13919, the District may charge a fee to cover the cost of services; and

**WHEREAS**, pursuant to Health and Safety Code § 13916(b), and Government Code § 6066, the District has given notice of its intent to establish and impose such Fees/Charges as may be adopted by ordinance.

**NOW THEREFORE**, the Board of Directors of the Arcata Fire Protection District does ordain as follows:

#### **Section 1.      Authorization and Purpose**

This Ordinance is adopted pursuant to Health and Safety Code §13916 et seq. The purpose of the Ordinance is to recover the costs of providing enforcement of locally adopted life safety regulations and local enforcement of state-regulated occupancy requirements, mandated programs and other fees for services. Except as otherwise provided, the definitions of the Fire Protection District Law of 1987 (Health and Safety Code Sections § 13 800 et seq., the "Act") are incorporated by this reference. This Ordinance shall be interpreted in a manner consistent with the Act. The fees and charges

imposed by this Ordinance are for the purpose of meeting certain operating expenses, including, but not limited to, employee wages and benefits, contracting for services with specialized firms or individuals, use of existing equipment, and the fees are reasonably related to the estimated or actual expenses incurred by the District for the services.

## **Section 2.      Applicability**

This Ordinance shall indicate each fee and the amount to be charged by the District, as permitted by Health and Safety Code § 13916. As authorized by Health and Safety Code § 13918, public agencies that are not covered by a mutual aid agreement shall be charged accordingly, unless the District waives the involved fees pursuant to Section 3 of this Ordinance.

## **Section 3.      Authority to Waive Fees; Delegation to Fire Chief**

As permitted by Health and Safety Code § 13919, the District Board may waive charges/fees established by this Ordinance and may delegate its authority to the Fire Chief or his/her designee if it is determined that charges/fees would not be in the public interest, i.e. reciprocal services provided by other public agencies, employee welfare, or personal hardship.

The District Board hereby delegates to the Fire Chief to waive any fee or charge that does not exceed \$1000.00. The waiver of any fee or charge in excess of the authority delegated to the Fire Chief is reserved by the District Board.

## **Section 4.      Specified Fee or Charge; Authority to Revise Fees or Charges**

Unless waived pursuant to Section 3, every person or entity to which services are provided by the District shall pay the applicable fee or service charge pursuant to this Ordinance. The fees and service charges for services are hereby set by the District Board as stated in the Fee Schedule attached hereto as Exhibit A and incorporated herein by this reference. The fees and charges set forth in the attached Fee Schedule shall not exceed the reasonable amount, or estimated amount, borne by the District in providing the services.

The District Board reserves the right to amend the Fee Schedule from time-to-time in the future to account for increased or decreased costs in providing services in accordance with Health and Safety Code § 13916 et seq.

## **Section 5.      No Waiver of Other Means of Cost Recovery**

This Ordinance does not preclude the District from pursuing any additional means of cost recovery. Such means include, but are not limited to, actions pursuant to Health and Safety Code § 13009 (for negligent actions which cause the use of services or facilities of the District) and actions against parties whose willful, grossly negligent, or criminal conduct causes the use of District services or facilities.

**Section 6.      Severability**

If provisions of this Ordinance are declared invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees, charges or provisions and the Board declares that it would have adopted each article, section and part of this Ordinance, irrespective of the validity of any other article, section or part.

**Section 7.      Repeal of Prior Ordinances and Fee Schedules**

It is the intent of the District Board in enacting this Ordinance to repeal all prior Ordinances and Resolution of the District Board setting fees for services under Health and Safety Code § 13916 et seq., including Ordinance No. 09-14.

**Section 8.      Payment of Fees and Charges; Late Fees**

To the extent feasible based on the nature of the request for service, all fees and charges for services are due and payable at the time the request for service is made to the District. All fees which are not paid at the time the request for service is made to the District or any additional fees incurred after initial fees are paid are due and payable to the District within 30 days of receipt of an invoice from the District. A late charge equal to 10% of the delinquent amount shall be added to the amount due, plus 1.5% of the amount due per month until paid in full.

**ADOPTED, SIGNED AND APPROVED** at a duly called meeting of the Board of Directors of the Arcata Fire Protection District by the following polled vote:

Ayes: David, Johnson, Mendosa, Rosen and Campbell

Nays: None

Abstain: None

Absent: None

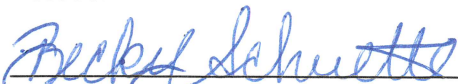
**DATED:** January 8, 2019

Signed:



Rene Campbell, President

Attest:

  
Becky Schuette, Board Clerk/Secretary



**SCHEDULE OF FEES CHARGES****WATER SUPPLY**

<b>FEE TYPE</b>	<b>Description</b>	<b>Rate/Hours</b>	<b>AMOUNT</b>
Fire Service Mains(Underground)	Thrust block inspection, hydrostatic test, and flush	Flat Rate (3 hr. to complete)	\$550.00
Hydrant Flow	Field Test	Flat Rate (1 hr. to complete)	\$183.00

**PLAN CHECKS**

<b>FEE TYPE</b>	<b>Description</b>	<b>Rate/Hours</b>	<b>AMOUNT</b>
Construction or Building Addition Plan Review	New or Tenant Improvements	Time estimated based on project complexity (1 hr. minimum)	\$183.00

**FIRE PROTECTION AND ALARM SYSTEMS**

<b>FEE TYPE</b>	<b>Description</b>	<b>Rate/Hours</b>	<b>AMOUNT</b>
Alarm System	New or Improvements	Time estimated based on project complexity (1 hr. minimum)	\$183.00
New Commercial Fire Sprinkler Protection Systems	13 & 13R Systems	Time estimated based on project complexity (3 hr. minimum)	\$550.00
Tenant Improved Fire Sprinkler Protection Systems		Time estimated based on project complexity (2 hr. minimum)	\$366.00
Residential Fire Sprinkler Protection System (single family Home)		Flat Rate (1/2 hr. to complete)	\$92.00
Spray Booth	Includes booth and fire extinguishing system	Flat Rate (2 hr. to complete)	\$366.00
Pre-Action, Fixed Fire, Clean Agent		Flat Rate (2 hr. to complete)	\$366.00
Fire Pump Installation	Does not include review of generator or separate fuel storage tank	Flat Rate (2 hr. to complete)	\$366.00
Commercial Cooking (Hood & Duct)		Flat Rate (2 hr. to complete)	\$366.00

**MISCELLANEOUS SUBMITTALS - ALTERNATIVE MEANS AND METHODS**

<b>FEE TYPE</b>	<b>Description</b>	<b>Rate/Hours</b>	<b>AMOUNT</b>
Miscellaneous Submittals or Plan Review	Plans or submittals not described elsewhere	Time estimated based on project complexity (2 hr. minimum)	\$366.00
Expedite Plan Review Request	Reviewed after normal business hours	Time estimated based on project complexity (2 hr. minimum at OT rate)	\$549.00

**PERMITS**

<b>FEE TYPE</b>	<b>Description</b>	<b>Rate/Hours</b>	<b>AMOUNT</b>
Fireworks Booth/Storage (includes 1 reinspection)		Per Vendor	\$150.00
Street Booth Vendor		Per Event	\$183.00
Non-Compliant Re-inspections or Missed Appointments		Per Inspection (1/2 hour increments)	\$92.00



STATE MANDATED INSPECTIONS			
FEE TYPE	Description	Rate/Hours	AMOUNT
Public Assemblies		Time estimated based on project complexity (1 hr. minimum)	\$183.00
24-Hours Licensed Care Facilities	Ambulatory or non-ambulatory occupants (pre-inspection only)	Time estimated based on project complexity (1 hr. minimum)	\$183.00
Less Than 24-hour Licensed Care Facilities	Adult or Child Large Family Day Care (pre-inspection)	Time estimated based on project complexity (1 hr. minimum)	\$183.00
Schools	K-12th Educations Facilities	Time estimated based on project complexity (1 hr. minimum)	\$183.00
Mid-Rise/High-Rise		Time estimated based on project complexity (2 hr. minimum)	\$366.00
Hotel/Motel	Per Business (Includes one reinspection)	1 hr. flat rate - <b>Plus \$6.10 per occupancy unit/room</b>	\$183.00
Apartment Buildings	Per Parcel (Includes one reinspection)	1/2 hr. flat rate - <b>Plus \$6.10 per occupancy unit/room</b>	\$92.00
MISCELLANEOUS INSPECTIONS OR PREVENTION BUREAU SERVICES			
FEE TYPE	Description	Rate/Hours	AMOUNT
Fire Prevention Instructional Services		Time estimated based on project complexity (2 hr. minimum)	\$366.00
Inspections not listed above		Time estimated based on project complexity (1 hr. minimum)	\$183.00
All reinspection's		1/4 hr. minimum (includes travel time)	\$45.75
Code Enforcement Actions		(1 hr. minimum)	\$183.00
After Hours Inspections	After Business hours or weekends	(2 hr. minimum at OT rate)	\$549.00
MITIGATION RATES / REVENUE RECOVERY			
FEE TYPE	Description	Rate/Hours	AMOUNT
Motor Vehicle Accidents (LEVEL 1)	Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level." This occurs almost every time the fire department responds to an accident/incident.	Per response	\$435.00
Motor Vehicle Accidents (LEVEL 2)	Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. Will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.	Per response	\$495.00

Motor Vehicle Accidents (LEVEL 3-WITH FIRE)	Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.	Per response	\$605.00
Add-on Services - Extrication	Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. Will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.	Per response	\$1,305.00
Add-on Services - Creating a Landing Zone	Will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).	Per response	\$400.00
Additional Time On Scene - Engine		Per hour	\$400.00
Additional Time On Scene - Miscellaneous Equipment		Per hour	\$300.00
Additional Time On Scene - Chief Officer		Per hour	\$250.00
Hazmat Incidents (LEVEL 1)	Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.	Per response	\$700.00
Hazmat Incidents (LEVEL 2)	Claim will include engine response, first responder assignment and equipment, perimeter establishment, evacuations, set-up and command, Level D suit donning, breathing air and detection equipment. Set-up and removal of DECON center.	Per response	\$2,500.00
Hazmat Incidents (LEVEL 3)	Claim will include engine response, first responder assignment and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level C suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of DECON center. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time.	Per response	\$5,900.00



Additional Time On Scene - Engine		Per hour	\$400.00
Additional Time On Scene - Miscellaneous Equipment		Per hour	\$300.00
Additional Time On Scene - Chief Officer		Per hour	\$250.00
Out of District Response - Engine	Any incident response out of the District to any property that is not covered by another recognized Fire District or Department. Billed per hour per response unit.	Per hour	\$400.00
Out of District Response - Miscellaneous Equipment		Per hour	\$300.00
Out of District Response - Chief Officer		Per hour	\$250.00
Illegal Fires	Any fire that is started by any person(s) that requires a District response during a time/season when fires are regulated by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire.	Per response	\$400.00
Additional Time On Scene - Engine		Per hour	\$400.00
Additional Time On Scene - Miscellaneous Equipment		Per hour	\$300.00
Additional Time On Scene - Chief Officer		Per hour	\$250.00
False Alarm Cost Recovery - 1st Response	The False Alarm cost recovery fee assesses individuals whose alarm systems generate an excessive number of False Alarms responded to by the District. There is a graduating scale for continued False Alarms. In determining the number of false alarms that have occurred, the District shall only consider False Alarms that have occurred within a calendar year.	Per response	Waived
False Alarm Cost Recovery - 2nd Response		Per response	\$100.00
False Alarm Cost Recovery - 3rd Response		Per response	\$200.00
False Alarm Cost Recovery - 4th Response		Per response	\$300.00
False Alarm Cost Recovery - 5th and Subsequent Responses		Per response	\$400.00
OTHER FEES AND CHARGES			
FEE TYPE	Description	Rate/Hours	AMOUNT
Incident/Occupancy Report (Current Files)	Per report (up to 10 pages-additional copies at cost per page)	Flat Rate	\$10.00
Subpoenaed Reports	Per report (up to 10 pages-additional copies at cost per page)	Flat Rate	\$24.00
Archive Files Retrieval	Per report up to 10 pages-additional copies at cost per page)	Flat Rate	\$20.00

Additional Pages	Copies at cost	Per Page	\$0.10
Copies of Photos, CDs, or Electronic Data		Flat rate - <b>Plus materials cost</b>	\$20.00
Fit Testing		Per Hour (2 hr. minimum)	\$58.84
Returned Check Fee	Bank Returned Check Fees	Bank Pass Through Cost- <b>Plus \$5.00 Admin Fee</b>	TBD
Postage	Documents, materials mailings	Actual Cost	TBD
Late Fees	If an Invoice is not paid within 90 days, a late charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collection, will be assessed to the responsible party.		
Authority - Health & Safety Code: §§ 13114, 13131.5, 13143.2 (b,c,d,e), 13145, 13147, 13143.9, 13146(a)(1)(b), (d), (e), 13862, 138697.7, 13875,13916, 179921, 17951, 17962; Government Code: §§ 6103.7, 6253(b); California Fire Code: §§ 101.1, 101.2, 101.10, 103.3.3.2.3, 105.1, 105.4, 901.2.2;Title 19, California Code of Regulations: §§ 1.12, 3.28, 982, 1565.1, 1033, 1034, 1035; Arcata Fire District Ordinance No. 19-18			