

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

Exhibit A to Arcata Fire District ORDINANCE 19-18

REPORTS	Fee
Incident Reports/Occupancy files (Current Files) Per report up to 10 pages	\$10.00
Archive Files Search Copies at cost	\$20.00
Copies of Photos, CDs, or Electronic Data	\$20.00 + Material Cost
Subpoenaed Reports (All) Copies at cost	\$24.00
Additional Copies at Cost	\$.10
Envelopes:	
Letter Size	\$.12
Large Manila	\$.26
STATE MANDATED/LICENSED FACILITY INSPECTION	
Per hour (1-hour minimum)	\$150.00
Pre-Fire Clearance Inspection:	
25 or Fewer Occupants	\$25.00
More than 25 Occupants	\$50.00
Final Fire Clearance per hour (1 hour minimum)	\$150.00
NEW & REMODEL PROJECT INSPECTIONS	
Plan review/resubmittals per hour (½ hour minimum)	\$75.00
Final Inspection	
*3000 Sq.Ft. or less	\$150.00
*3001 to 7000 Sq.Ft.	\$300.00
*Over 7000 Sq.Ft.	\$450.00
* Unique features of buildings or systems may require adjustments of fees as determined by the District	Quote per project
NEW SPRINKLER UNDERGROUND SERVICE	
Inspection, flush & hydro test:	
Plan Review/re-submittals per hour	\$150.00
Inspection and tests	\$300.00

FIRE HYDRANT FLOW TEST/COMMERCIAL PROJECTS	
Fees assessed with project submittal: 2½ hour minimum 1 hour minimum for each additional hydrant	\$375.00 \$150.00
NEW COMMERCIAL SPRINKLER INSTALLATION	
Plan Review/re-submittals per hour Open trussed/beam construction, no interior walls Common construction Concealed spaces Over 250 heads, add 1 hour Over 400 heads, additional costs per hour Missed appointment (½ hour minimum) * Unique features of buildings or systems may require adjustment of fees as determined by the District	\$150.00 \$450.00 + \$1.00 head \$450.00 + \$2.50 head \$450.00 + \$5.00 head \$150.00 \$150.00 \$75.00 Quote per project
NEW RESIDENTIAL SPRINKLER INSTALLATION	
Plan Review/re-submittals per hour Installation Inspection < 2000Sq.Ft. Installation Inspection > 2000Sq.Ft. / 2 Stories * Unique features of buildings or systems may require adjustment of fees as determined by the District	\$150.00 \$75.00 \$150.00 Quote per project
SPRINKLER SYSTEM RE-MODEL/TENANT IMPROVEMENT	
Inspection, alarm tests & final inspection: Plan review/re-submittals, per hour Open trussed/beam construction, no interior walls Common construction Concealed spaces	\$150.00 \$300.00 + \$1.00 head \$300.00 + \$2.50 head \$300.00 + \$5.00 head

System Hydro Test (as needed) Over 250 heads, additional 1 hour Over 400 heads, additional costs per hour Re-inspection Missed appointment (½ hour minimum)	\$150.00 \$150.00 \$150.00 \$75.00
* Unique features of buildings or systems may require adjustment of fees as determined by the District	Quote per project
NEW/REMODEL FIRE & SPECIAL ALARM SYSTEM INSTALLATION	
Plan Review/re-submittals per hour System Inspection & Acceptance Test Per Device Per Device in concealed spaces Re-inspection	\$150.00 \$150.00 \$1.50 \$4.50 \$150.00
* Unique features of buildings or systems may require adjustment of fees as determined by the District	Quote per project
THIRD PARTY PLAN REVIEW	
Third Party Fees	As Determined by the third party
Follow up Plan Review, per hour Inspections and Tests	\$150.00 Per Project Type
SUPPRESSION & SPECIAL SYSTEM INSTALLATION	
Plan Review/re-submittals per hour System Inspection & Acceptance Test Each additional system Re-inspection Missed appointment (½ hour minimum)	\$150.00 \$150.00 \$75.00 \$150.00 \$75.00
* Unique features of buildings or systems may require adjustment of fees as determined by the District	Quote per project
OTHER FEES	
Re-inspection (1 hour minimum) Missed appointment (½ hour minimum) After-Hours Inspection (3 hour minimum) Each additional hour Extra travel time: Per hour Wait time: Per hour	\$150.00 \$75.00 \$450.00 \$150.00 \$150.00 \$150.00

Outside consultant: actual costs plus hourly personnel time per hour	\$150.00
Expedited Plan Review	
Double Standard Fee (2 hours minimum)	\$300.00
Plan review: work without permit	\$300.00
Over-the-counter Plan Review, (1 hour flat fee)	\$150.00
Architectural, minimal nonbearing wall, minor electrical, ADA, etc.	
Code Enforcement Actions	Actual Costs
CODE CONSULTATION	
Per Hour	\$150.00
Fire Investigations	Actual Costs
PERMITS	
Firework Booth & Storage Inspection & Permit	\$100.00
Re-inspection	\$50.00
Missed appointment	\$50.00
SPECIAL ACTIVITIES PERMITS/INSPECTIONS	
Stand by Fire Watch: (1 hour minimum)	
Per Hour per person	\$150.00
Special Inspections: (1 hour minimum)	
Per hour per inspection	\$150.00
MITIGATION RATES	
Motor Vehicle Accidents	
Level 1	\$435.00
Level 2	\$495.00
Level 3 Car Fire	\$605.00
<u>Add-On Services</u>	
Extrication	\$1,305.00
Creating a landing zone	\$400.00
<u>Additional Time On-Scene</u>	
Engine (per hour)	\$400.00
Truck (per hour)	\$500.00
Miscellaneous equipment (per hour)	\$300.00
Hazmat	
Level - Basic Response	\$700.00
Level 2 - Intermediate Response	\$2,500.00
Level 3 - Advanced Response	\$5,900.00
<u>Additional Time On-Scene</u>	
Engine (per hour)	\$400.00
Truck (per hour)	\$500.00

Miscellaneous equipment (per hour)	\$300.00
Fire Investigation Team (per hour)	\$275.00
Fires - Assignment	
Engine (per hour, per engine)	\$400.00
Truck (per Hour, per truck)	\$500.00
Illegal Fires - Assignment	
Engine (per hour, per engine)	\$400.00
Truck (per hour, per truck)	\$500.00
Water Incidents	
Level 1- Basic Response (plus \$50 per hour, per rescue person)	\$400.00
Level 2 - Intermediate Response (plus \$50 per hour, per rescue person)	\$800.00
Level 3 - Advanced Response (plus \$50 per hour, per rescue person, plus \$100 per hour per HAZMAT team member)	\$2,000.00
Level 4 - Itemized Response	Custom
Back Country or Special Rescue	
Itemized Response (minimum for the first response vehicle plus \$50 per rescue person.)	\$400.00
Additional Rates (per hour per response vehicle and \$50 per hour per rescue person)	\$400.00
Chief Response (per hour)	\$250.00
Miscellaneous/Additional Time On-Scene	
Chief Officer (per hour)	\$250.00
Engine (per hour)	\$400.00
Truck (per hour)	\$500.00
Miscellaneous Equipment (per hour)	\$300.00
Out-of-District Response/Non Mutual-Aid (To all areas not covered by a recognized Fire District)	
Chief Officer (per hour)	\$250.00
Engine (per hour)	\$400.00
Truck (per hour)	\$500.00
Miscellaneous Equipment (per hour)	\$300.00
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 collections, will be accessed 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. 09-14