

1ORDINANCE 06-01

AN ORDINANCE OF THE MAMMOTH LAKES FIRE PROTECTION DISTRICT ESTABLISHING A SCHEDULE OF FEES FOR RECOVERY OF COSTS FOR SERVICES PROVIDED

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

WHEREAS, The Mammoth Lakes Fire Protection District (“District”) is funded by taxes levied on real property located within the geographic boundaries of the District; and,

WHEREAS, numerous services offered by the District directly benefit discreet members of the general public for which fees may properly be imposed; and,

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

NOW THEREFORE BE IT RESOLVED THAT THE Board of Commissioners (“Commissioners”) of the District declares as follows:

SECTION 1. Authorization and Purpose

This Ordinance is adopted pursuant to Health and Safety Code Section 13916 *et seq.* The purpose of the Ordinance is to recover the District’s 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 13800 *et seq.*, the “Act”) are incorporated by this reference. The Ordinance shall be interpreted in a manner consistent with the Act. The fees and charges imposed by this Ordinance, and the associated annual resolution, are for the purpose of meeting operating expenses, including employee wage rate and fringe benefits, purchasing or leasing supplies, equipment or materials; contracting for services with specialized firms or individuals, and we find to be reasonably related to the actual expenses incurred by the district for the services and expenses described in the Section.

SECTION 2. Applicability

A resolution establishing fees by this ordinance shall indicate each fee and the amount to be charged by the District, as permitted by the Health and Safety Code Section 13917. As authorized by the Health and Safety Code Section 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.

By adopting such resolution, the District is enacting user fees to defray costs associated with enforcement of state required occupancies, mandated programs, annual fire safety inspections, development plan review, permits for certain activities, District facility usage, patient transporting and general services functions as permitted by this Ordinance.

SECTION 3. Waiver of Fees

As permitted by the Health and Safety code Section 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 as set forth in the Resolution if determined that charges/fees would not be in the public interest, i.e. reciprocal services provided by other public agencies, employee welfare, personal hardship.

SECTION 4. Specified Fee

Unless waived pursuant to Section 3, every public agency and or party involved shall pay a specified fee pursuant to an adopted resolution which specifies the services provided. The rates for services shall be set by the District Board and shall not exceed the reasonable amount necessary to recover the direct and indirect costs of providing the specified service.

SECTION 5. Service Charges

Unless waived pursuant to Ordinance Section 3, every public agency and/or party involved shall be responsible for a Service Charge which, for these services, shall include a Service Rate and Equipment Rate, if applicable, pursuant to the rates established in the annual resolution under General Fees.

The "Service Rate" shall be the fee set forth in the adopted Resolution.

The "Equipment Rate" is the rate at which the District will require repayment for use of any District utilized personal property as set forth in the adopted Resolution.

SECTION 6. No Waiver of Other Means of Costs 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 Section 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 7. Severability

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

SECTION 8. Effective Date

This Ordinance shall take effect and be in force thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once in the Mammoth Lakes Times, a newspaper of general circulation in the District’s service area with the names of the members of the Board of Directors voting for and against the same.

Adopted on December 12th on motion by the Board of Commissioners of the District by the following roll call vote:

AYES: Good, Blanco, Newgard, Terrell
NOES:
ABSENT: Colasardo
ABSTAIN:

Richard Good, Chairman
ATTEST:

Mark Newgard, Secretary
APPROVED AS TO FORM:

William D. Ross, District Counsel
APPROVED AS TO CONTENT:

Brent J. Harper, Fire Chief

RESOLUTION NO. 2006-01

**A RESOLUTION OF THE MAMMOTH LAKES FIRE PROTECTION DISTRICT
ESTABLISHING FEES AND CHARGES FOR VARIOUS SERVICES AND
REPEALING ORDINANCE NO 02-01**

WHEREAS, if is necessary from time to time to revise the fees and charges that assist in defraying the costs of specific services rendered by the Mammoth Lakes Fire Protection District (“District”); and,

WHEREAS, Health and Safety Code Section 13917 provides that the schedule of fees established by such an ordinance must indicate an amount to be charged; and,

WHEREAS, Health and Safety Code Section 13919 allows the Board of Commissioners (“Commissioners”) of the district and their designee(s) to waive the fees established by such an ordinance; and,

WHEREAS, the fees and charges set forth in Exhibit A, attached hereto and made a part hereof, have been found to be based upon the actual costs of performing such services and are reasonable;

NOW THEREFORE BE IT RESOLVED by the District Board of Commissioners that:

- Section 1. The fees and charges set forth in Exhibit A attached and incorporated by this reference shall be in force effective December 12, 2006
- Section 2. The Board of Directors delegates its authority to the Fire Chief or his/her designee to administer the fees and charges set forth in Exhibit A and consistent with Section 3 of the Fee Ordinance.
- Section 3. Ordinance No. 02-01 is hereby repealed effective December 12, 2006

PASSED, APPROVED, AND ADOPTED on this 12th day of December, 2006 at a regular meeting of the District Board of Commissioners at Mammoth Lakes, California with the following roll call votes:

AYES	Good, Blanco, Newgard, Terrell
NOES	
ABSENT	Colasardo
ABSTAIN	

DATE: December 12, 2006

Richard Good, Chairman

ATTEST:

Mark Newgard, Secretary

APPROVED AS TO FORM:

William D. Ross, District Counsel

APPROVED AS TO CONTENT:

Brent J. Harper, Fire Chief

RESOLUTION 2006-01
EXHIBIT A

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(TO BE ADDED)

PLAN CHECK, INSPECTION, PERMIT AND GENERAL FEES

All plan check, construction inspections and/or fire inspections, and permits required by the California Fire Code, Mammoth Lakes Fire Protection District (“District”) Ordinance, or California Office of the State Fire Marshal shall be subject to the following adopted user fees.

Fees for plan check shall be tabulated and collected upon submittal of the initial plan for review and be in accordance with Section 1, Table 1-A.

Fees for fire inspections, as part of the District’s code enforcement program shall be in accordance with Section 2, Tables 2-A,

Fees for miscellaneous permits and charges, as part of the District’s code enforcement program shall be in accordance with Section 3, Table 3-A.

SECTION 1. PLAN CHECK FEES

Fees shall be collected upon submittal of plans for review as set forth in Table 1-A. Fees are based on the type of plan submitted for review. These fees are calculated upon estimated staff time to review and inspect the specified type of permit. Fees paid are posted to the permit whereby plan review and inspection activities are charged against it. Should the total amount of staff time necessary to complete the review and inspection process exceed the original amount the applicant will be invoiced for any overage for balances due.

Plans stamped as reviewed by the Fire District with a Fire District Construction Permit shall permit the applicant to proceed with work subject to the requirements noted on the plan check comment sheet and other attached documents containing information related to components of the project which accompany plans reviewed by the Fire District and requirements from other agencies having jurisdiction within the scope of the project. The applicant is responsible for ensuring this information is on the project job site and part of the approved plans.

Every plan check and construction permit issued by the Fire District by ordinance and the California Fire Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

A project is considered abandoned or work suspended after one year of the issuance of the permit if there have not been inspections or the project has not commenced.

Table 1-A

Ref	TYPE OF REVIEW	FEE
1	Design review conference (after first hour for no charge, fee can be waived if conference is at the request of the District)	\$100
2	Single family residential plan, less than 5,000 square feet	\$150
3	Single family residential plan, over 5,000 square feet or more than three floors	\$300
4	General Commercial less than 2500 square feet	\$300
5	General Commercial over 2500square feet, fees include anticipated on site inspections, and system tests. Fee does not include applicable consultant review costs.	\$300 + \$35 for each additional 1000 sq. ft.
6	Consultant Review	Consultant Fee
7	Tenant Improvements	\$300
8	Hazardous Occupancies to include but not limited to; spray booth systems, compressed gas systems, hazardous materials operations, motor vehicle fuel dispensing stations, repair garages, unusual processes	\$300 + \$50 per hour after the first hour
9	Fire Extinguishing Systems including Kitchen Hood Systems	\$100 + \$50 per hour after the first hour
10	Field Inspections and Tests (those not included in building permit.)	\$50 per hour

SECTION 2 OCCUPANCY INSPECTION FEES

The fees for fire inspections not part of a construction project or permit shall be in accordance with this section.

Mammoth Lakes Fire Protection District desires to work with the community in promoting and ensuring a fire safe environment. In order to promote this desire, the District does not charge for the first inspection.

Fees are charged if compliance has not been corrected by the first re-inspection. Life safety hazards may require immediate correction. Additional fines may be levied for failure to comply.

Payment of any penalty fee shall not be construed as a waiver of the District's rights to enforce compliance with the applicable fire safety standards through other means as authorized or provided by law.

Ref	Type of Occupancy	Annual Inspection Fee	First Re-inspection	Subsequent Re-inspections
1	Group "R" less than 25	None	\$50	\$100
2	Group "R" more than 25	None	\$100	\$150
3	Public Assembly	None	\$100	\$150
4	Educational	None	None	\$100
5	Public Government	None	None	\$100
6	General Commercial less than 2500 square feet	None	\$50	\$100
7	General Commercial more than 2500 square feet	None	\$100	\$150
8	Industrial/Hazardous Operations	None	\$100	\$150

SECTION 3. MISCELLANEOUS PERMITS AND FEES

Fees are due at the time the permit is issued. It is the desire of the District to help promote community events while maintaining public and fire safety. Standby costs will kept reasonable based on the degree of hazard and anticipated personnel and equipment time.

Ref	Type of Permit	Fee
1	Public Gatherings, Events, Carnivals, Fairs, etc.	\$150+ Standby Costs
2	Fireworks 60 shells or less	\$150 + Engine Company & Chief Officer Standby
3	Fireworks 61-180 shells	\$200 + Engine Company & Chief Officer Standby
4	Fireworks 180+ shells	\$250 + Engine Company & Chief Officer Standby
5	Pyrotechnic special effects, explosives and other hazardous material operations	\$150 + Engine Company & Chief Officer Standby
6	All reports including second or more copies of inspection reports	\$25
7	Returned Check Charge	\$25
8	Late Payment, any payment over 30 days	10% or \$10 (whichever is greater)
9	Research Time	\$50 per hour
10	Facility Usage (usually waived for community & government events)	\$50 per hour minimum
11	Engine Company Standby per Hour	\$225
12	Truck Company Standby per Hour	\$275
13	Ambulance Standby per Hour	\$125
14	Ambulance BLS Transport	Based on current Mono County Rate
15	Chief Officer Standby	\$85
16	Firefighter/inspector Standby	\$45