

ORDINANCE NO. 28

**AN ORDINANCE OF THE SAN RAMON VALLEY FIRE PROTECTION DISTRICT
ESTABLISHING A SCHEDULE OF FEES FOR RECOVERY OF
COSTS FOR SERVICES PROVIDED AND REPEALING ORDINANCE NO. 27**

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

WHEREAS, the San Ramon Valley 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 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 ordinance; and,

WHEREAS, Health and Safety Code Sections §13917 - §13919 provides that the schedule of fees established by such an ordinance may be authorized pursuant to such sections; and,

NOW THEREFORE BE IT RESOLVED THAT the Board of Directors (“Board”) 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 for the District 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. 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 employee wage rate and benefits, contracting for services with specialized firms or individuals, and we find the fees to be reasonably related to the actual expenses incurred by the District for the services and expenses described in the Section.

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 Section §13916. As authorized by 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 Ordinance, 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 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 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 this Ordinance which specifies the services provided. The fees for services shall be set by the District Board and shall not exceed the reasonable amount necessary to recover the costs of providing the specified service as allowed by law.

SECTION 5. Service Charge

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 an Equipment Rate, if applicable, pursuant to the rates established in the Ordinance Section 9 under General Fees.

The "Service Rate" shall be the fee set forth pursuant to Ordinance Section 9.

The "Equipment Rate" is the rate at which the District will require repayment for use of any District utilized property as set forth in Ordinance Section 9.

SECTION 6. 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 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 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 this Ordinance, irrespective of the validity of any other article, section or part.

SECTION 8. Repeal of Conflicting Ordinance and Resolution

All parts of the San Ramon Valley Fire Protection District Ordinance No. 27 shall be repealed in concurrence with the effective date of this Ordinance No.28.

SECTION 9. Schedule of Fees

All plan check, construction inspections and/or fire inspections, and permits required by the California Fire Code, San Ramon Valley 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 Part 1.

Fees for fire inspections, as part of the District’s code enforcement program shall be in accordance with Part 2.

Fees for permits, as part of the District’s code enforcement program shall be in accordance with Part 3.

Fees for miscellaneous reports, copying, standby personnel, safety officer or other listed general services for which the District has adopted user fees shall be in accordance with Part 4.

Part 1. PLAN REVIEW AND CONSTRUCTION PERMIT FEES

Fees shall be collected upon submittal of plans for review as set forth in Table 1. Fees are based on the type of construction permit that plans are submitted for review.

Operational permits required for new systems, processes, or uses necessitating a plan review shall have the initial fire code permit issued with the plan review in accordance with Part 1, Table 1.

Table 1

REF.	TYPE OF REVIEW	FEE
	Planning and Site Development	
	Pre-application design review <i>To meet to discuss potential requirements, design criteria, hardships, proposed mitigation of requirements, etc</i>	\$289 per hour <i>First hour no charge.</i>
	Planning and site development review <i>Includes review and comments for planning applications and associated community development process requirements</i>	\$289
	Emergency response pre-plan <i>A emergency response pre-plan is required if determined necessary by the fire code official due to size, use, or special hazard exist</i>	Actual Cost to District
105.7	Plan Check and Construction Permits	
105.7.1.	Automatic fire-extinguishing systems (a) NFPA 13 & 13R wet, dry, pre-action 1. new system	\$685 first 20 heads + \$76 each addtl 20 heads

	2. modification to an existing system	\$541 first 20 heads + \$76 each addtl 20 heads
	(b) clean agent, commercial cooking, wet & dry chemical, CO ₂	\$487
	(c) NFPA 13D new and modifications	\$525
105.7.2	Battery systems	\$420
105.7.3	Compressed gases.	
	(a) storage, use, or handling	\$420
	(b) medical gas systems	\$735
	(c) refrigeration systems	\$630
105.7.4	Cryogenic fluids	\$529
105.7.5	Fire alarm and detection systems and related equipment	
	(a) fire alarm system	\$587 first 20 devices + \$210 each addtl 20 devices
	1. new system	
	2. modification to an existing system	\$541 first 20 devices + \$210 each add 20 devices
	(b) fire sprinkler monitoring system	\$420
	(c) smoke control system	\$998
	(d) smoke and heat vent systems	\$686
105.7.6	Fire pumps and related equipment	
	(a) new installation	\$1050
	(b) modifications or repairs to	\$420
105.7.7	Flammable and combustible liquids	
	(a) aboveground and underground storage tanks, including equipment	\$420
	(b) underground tank removal	\$468
	(c) vapor recovery	\$420
105.7.8	Hazardous materials	\$686
105.7.9	Industrial ovens	\$353
105.7.10	LP-gas	
	(a) new installation	\$541
	(b) modifications or repairs to	\$463
105.7.11	Private fire hydrants and fire protection water supplies	
	(a) private fire hydrant systems	\$840 per system
	(b) fire protection system water supply	\$648 per system
	(c) rural water supply systems	\$648 per system
	(d) temporary water supply systems	\$420 per system

105.7.12	Spraying or dipping (a) new installation (b) modifications or repairs to	\$442 \$277
105.7.13	Standpipe systems (a) new installation (b) modifications or repairs to	\$692 \$324
105.7.14	Temporary membrane structures and tents	\$270
105.7.15	Construction, alteration, or renovation of a building for which a building permit is required (a) commercial: new or addition 1. 0 – 5,000 SQFT 2. 5,001 – 10,000 SQFT 3. 10,001 – 20,000 SQFT 4. each additional 10,000 SQFT (b) commercial: alteration or renovation 1. 0 – 5,000 SQFT 2. 5,001 – 10,000 SQFT 3. 10,001 – 20,000 SQFT 4. each additional 10,000 SQFT (c) residential: new, addition, alteration or renovation	\$735 \$1232 \$1587 \$276 \$546 \$658 \$835 \$139 \$315
105.7.16	Fire apparatus access, site improvements and related equipment (a) roadway design (b) obstructions (gates, traffic calming devices, and other manipulated barriers) (c) temporary fire apparatus access roadways	\$353 \$263 \$315
	Miscellaneous system plans	\$541
	Miscellaneous construction permit	\$287 per hour
	Fuel modification	\$817
	Additional plan reviews	\$224 each
	Plan reviews or specialized consultation <i>The use of an independent specialized consultant with expertise to conduct the review is sometimes necessary. Projects subject to this provision shall be so advised and provide to the District a document addressed to the District recognizing the advisory and accepting responsibility for resulting charges.</i>	\$301 + review type from Table 1 + consultant fees
	Additional field inspections	\$237 each
	Field inspections or tests after regular business hours <i>Fees assessed under this provision shall be due and payable prior to the action of the District. This provision is not a mandate on the District to normally provide this service. This service is subject to staff availability and does not mandate performance.</i>	\$686 2 hour minimum
	Alternate materials and methods of construction review <i>*Plus any costs the District incurs should the use of an independent specialized consultant be necessary to evaluate the</i>	\$289

	<i>submittal.</i>	
	Permit renewal or extension	Assessed at one half of the original fee

Part 2. OCCUPANCY INSPECTION FEES

The fees for state mandated occupancy inspections and state license care facility "Fire Clearance" services not part of a construction or operational permit shall be in accordance with Part 2, Table 2.

Table 2

REF.		FEE
	State Mandated Inspections	
1.	Public and private schools	\$0 annually
2.	Hotel, motel, lodging house, apartment house and dwelling, buildings, or similar (i.e. Group R, Division 1 & 2 occupancies) and structures accessory thereto (a) <15 dwelling units annually (b) 16-75 dwelling units annually (c) >76 dwelling units annually	\$252 \$389 \$720
3.	Jail or place of detention for persons charged with or convicted of a crime	\$791 bi-annually
4.	Additional field inspections	\$237 each
	State Licensed Facilities - Fire Clearance (850 Form)	
5.	Pre-inspection consultation	\$194
6.	Facilities with a capacity to serve not more than 6 clients	\$194
7.	Facilities with a capacity to serve more 6-25 clients	\$242
8.	Facilities with a capacity to serve 26 or more clients	\$315

Part 3. FIRE CODE OPERATIONAL PERMIT FEES

All Operational permits required by the California Fire Code and/or San Ramon Valley Fire Protection District ("District") Ordinance are renewable on the basis of inspection frequency. Operational permit fees are due and payable via invoice following the inspection as set forth in Part 3.

Operational permits required for new systems, processes, or uses necessitating a plan review shall have the initial fire code permit issued with the plan review in accordance with Part 1, Table 1.

Table 3

REF.	TYPE OF REVIEW	FEE
	Operational Permits	

105.6.1	Aerosol products	\$87
105.6.2	Amusement buildings	\$210
105.6.3	Aviation facilities	\$193
105.6.4	Carnivals and fairs	\$289
105.6.5	Cellulose nitrate film	\$193
105.6.6	Combustible dust-producing operations	\$132
105.6.7	Combustible fibers	\$197
105.6.8	Compressed gases	\$197
105.6.9	Covered mall buildings	\$242
105.6.10	Cryogenic fluids	\$132
105.6.11	Cutting and welding	\$193
105.6.12	Dry cleaning plants	\$132
105.6.13	Exhibits and trade shows	\$237
105.6.14	Explosives	\$44
105.6.15	Fire hydrants and valves	\$109
105.6.16	Flammable and combustible liquids	\$132
105.6.17	Floor finishing	\$193
105.6.18	Fruit and crop ripening	\$132
105.6.19	Fumigation and thermal insecticidal fogging	\$35
105.6.20	Hazardous materials	\$264
105.6.21	Hazardous production materials	\$264
105.6.22	High-piled storage	\$197
105.6.23	Hot work operations	\$66
105.6.24	Industrial ovens	\$218
105.6.25	Lumber yards and woodworking plants	\$66
105.6.26	Liquid or gas-fueled vehicles	\$66
105.6.27	LP-gas	\$45
105.6.28	Magnesium	\$66
105.6.29	Miscellaneous combustible storage	\$44
105.6.30	Open burning	\$111
105.6.31	Open flames and torches	\$97
105.6.32	Open flames and candles	\$97
105.6.33	Organic coatings	\$193
105.6.34	Places of assembly	\$197
105.6.35	Private fire hydrants	\$193
105.6.36	Pyrotechnic special effects material	\$315
105.6.37	Pyroxylin plastics	\$132
105.6.38	Refrigeration equipment	\$66
105.6.39	Repair garages and motor fuel-dispensing facilities	\$66
105.6.40	Rooftop heliports	\$193
105.6.41	Spraying or dipping	\$66
105.6.42	Storage of scrap tires and tire byproducts	\$193
105.6.43	Temporary membrane structures and tents	\$218

105.6.44	Tire-rebuilding plants	\$218
105.6.45	Waste products	\$218
105.6.46	Wood Products	\$218
105.6.47	Additional operational permits	\$218
105.6.48	Christmas tree sales	\$218
105.6.49	Model rocket	\$189

Part 4. GENERAL FEES

Miscellaneous reports, copying fees, standby personnel, safety officer or other listed general services for which the District has adopted user fees shall be in accordance with Part 4, Table 4.

Table 4

REF.	GENERAL FEES	FEE
	All reports, (Incident, Inspection, Investigation, Budget, CAFR, Board Packet)	Cost of reproduction, plus 10%
	Copy Charges	\$.10 per page; duplexed pages are charged as two pages
	GIS Maps (Digital Transfer)	Cost of reproduction, plus 10%
	Copies of photographs, discs, tapes or any other outsourced processed records	Cost of reproduction plus 10%
	Documentation Certification	\$5.00 or maximum allowable by law
	Returned Check Charge	\$25/check
	Late Payment Fee	10% of fee or \$10 (whichever is greater)
	CPR Training	\$40 per person
	Fire House Dinner	\$150
	Ambulance Transport Fees – Bundled Rates - CPI Adjustment Annually on Rates	
	• BLS	\$940
	• ALS	\$1,218
	• ALS 2	\$1,290
	• Oxygen	\$86
	• Mileage	\$24
	Paramedic Field Internship	\$1,860
	Subpoenas A deposit of \$150.00 for each day that the specified employee is required to remain in attendance pursuant to the subpoena.	

	The District shall then be reimbursed for traveling expenses and the full cost to the District of paying the employee, tabulated pursuant to the Service Rate below. If the actual expenses should later prove to be less than \$150.00 per day tendered, the excess of the amount shall be refunded. If the actual expenses should later prove to be more than the amount deposited, the District may collect the balance from the party at whose request the subpoena is issued	
	Weed Abatement Program Administrative Fee	\$1,105
	Applicant Charges for Processing Address or Street Name Changes	\$80

"SERVICE RATE SCHEDULE". Unless waived by the District pursuant to Section 3 of the Fee Ordinance, a service rate shall be applied for the services rendered. This service rate shall be based upon the hourly rate, or overtime rate for the specific position or rank for the employee providing the services. In addition, this rate shall include an average benefit cost for safety employees at 70% and an average benefit cost for non-safety at 45%. When determining whether the rate to be charged is the "overtime rate" or the "hourly rate," the overtime rate shall be used if the District is required to pay overtime to the specified employee. If the District is not required to pay overtime to the specific employee, then all hours shall be charged at the "hourly rate."

"EQUIPMENT RATE SCHEDULE". Apparatus and equipment rates shall be the current rate in effect under the California Fire Assistance Agreement or the Federal Emergency Management Agency equipment rate schedule, whichever applies.

Part 5. Information Technology Surcharge Fee

The schedule of fees included in Section 9, Part 1 through Part 3 is inclusive of a 5 percent surcharge for Information Technology to assist in ongoing technology needs to support the general operations of the Fire Prevention Division for which these fees are charged.

SECTION 10. Effective Date

That this Ordinance established and adopted hereby shall take effect and be in full force, beginning August 1, 2013 and after its final passage and adoption.

Passed and Adopted on July 24, 2013, by the following Vote:

AYES: Directors Dakin, Price, Stamey and Umont

NOES: Director Kerr

ABSENT: None

ATTEST: Susan F. Brooks
Susan F. Brooks
District Clerk

Matthew J. Stamey
Matthew J. Stamey, President
Board of Directors

APPROVED AS TO FORM:

William D. Ross
William D. Ross, District Counsel