

ORDINANCE NO. 2021-001

AN ORDINANCE OF THE LAKESIDE 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 Lakeside 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, pursuant to Health and Safety Code Sections 13916 through 13919, the schedule of fees may be established by such an ordinance; 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 rates and benefits, contracting for services with specialized firms or individuals, and the District Board finds the fees are 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, e.g., 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 8 under General Fees.

The "Service Rate" shall be the fee set forth pursuant to Ordinance Section 8.

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 8.

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.

All parts of the previously adopted Lakeside Fire Protection District Ordinance pertaining to the imposition of fees as set forth in Section 8 below shall be repealed in concurrence with the effective date of this Ordinance No. 2021-001.

SECTION 8. Schedule of Fees

All plan check, construction inspections and/or fire inspections, and permits required by the California Fire Code, Lakeside 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 review 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 | |
| 1.0 | Pre-application design review <i>To meet to discuss potential requirements, design criteria, hardships, proposed mitigation of requirements, etc.</i> | \$95.32 per hour |

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| 1.1 | Project Availability Form Renewal for Major or Minor Subdivision (PDS-399F) | \$95.32 |
| 1.2 | New project Availability Form for Major Subdivision (PDS-399F) | \$169.38 |
| 1.3 | New project Availability Form for Minor Subdivision (PDS-399F) | \$169.38 |

| | Plan Check and Construction Permits | |
|------|--|--|
| 1.4 | Commercial, Industrial & Multi Family (up to 52,000 sq.ft.) | \$391.59 |
| 1.5 | Commercial, Industrial & Multi Family (each additional 52,000 sq.ft.) | \$243.45 |
| 1.6 | Tenant Improvement (commercial & industrial) | \$206.42 |
| 1.7 | Commercial Photovoltaic | \$95.32 |
| 1.8 | New Residential 1. 0 – 5,000 SQFT 2. 5,001-10,000 SQFT 3. 10,001 SQFT+ | \$280.48 \$317.52 \$391.59 |
| 1.9 | Residential additions/remodel | \$206.42 |
| 1.10 | Accessory Structures (detached garages, barns, stables, storage...etc) | \$206.42 |
| 1.11 | Gates, Grading Plan | \$95.32 |
| 1.12 | Building Plan Revisions (Changes to approved plans needing review and stamp transfer) | \$95.32 |
| 1.13 | TM - Large Subdivision - Includes improvement plan review, site visit, map update | \$169.38 |

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|------|---|----------|
| 1.14 | TPM - Small Subdivision - Includes improvement plan review, site visit, map update | \$169.38 |
| 1.15 | Final Map/Mylar | \$58.28 |
| 1.16 | Subdivision Plan Revisions | \$169.38 |
| 1.17 | Battery Systems (Within capacity thresholds as set by the California Fire Code) | \$243.45 |
| 1.18 | Battery Systems (System that exceed capacity thresholds set by the California Fire Code) | \$391.59 |
| | Protection and Detection Plans | |
| 1.19 | Fire Alarm (Rough and Final) | \$317.52 |
| 1.20 | Fire Alarm Modification (Update of components or adding no more than 10 devices) | \$95.32 |
| 1.21 | Commercial Sprinkler System (Hydro and Final) NFPA 13 & NFPA 13-R systems | \$317.52 |
| 1.22 | Residential Sprinkler Plans (Hydro and Final) NFPA 13-D systems | \$206.42 |
| 1.23 | Hood Suppression System/Specialized Systems (UL300, FM200....etc) | \$243.45 |
| 1.24 | Underground Utilities (Sprinkler System, Fire Hydrants) | \$95.32 |
| 1.25 | Tenant Improvement Sprinkler Review for less than 20 heads (Review, Hydro and Final) | \$243.45 |
| 1.26 | Tenant Improvement Sprinkler Review for greater than 20 heads (Review, Hydro and Final) | \$317.52 |
| | General | |
| 1.27 | Additional field inspections (applied to building, protection and detection inspections) | \$95.32 |

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| 1.28 | Fire Protection Plan - Long or Short Form | \$243.45 |
| 1.29 | Administrative Letters (Letters for insurance, home sales, HOA's, etc.) | \$95.32 |
| 1.30 | Other - Plan reviews or Inspections not listed *Billed hourly | \$95.32 |
| 1.31 | Weed Abatement Program Administrative Fee Fee applied when a citation is issued for non-compliance | \$243.45 |

Part 2. FIRE CODE OPERATIONAL PERMIT FEES

All Operational permits required by the California Fire Code and/or Lakeside Fire Protection District Ordinance are renewable based on inspection frequency. Operational permit fees are due and payable via invoice following the inspection.

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 2

| REF. | TYPE OF REVIEW | FEE |
|------|--|----------|
| 2.1 | Amusement buildings | \$95.32 |
| 2.2 | Explosives | \$95.32 |
| 2.3 | Carnivals and fairs | \$95.32 |
| 2.4 | Mobile fueling of hydrogen-fueled vehicles | \$95.32 |
| 2.5 | Mobile fuel-dispensing facilities | \$95.32 |
| 2.6 | Outdoor assembly event | \$95.32 |
| 2.7 | Plant extraction systems | \$95.32 |
| 2.8 | Pyrotechnic special effects material storage | \$95.32 |
| 2.9 | Temporary membrane structures and tents | \$95.32 |
| 2.10 | Additional operational permits 1. Production facilities 2. Pyrotechnics and special effects <i>displays</i> 3. Live audiences | \$243.45 |

Part 3. 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 3, Table 3.

| REF. | GENERAL FEES | FEE |
|------|--|---|
| 3.1 | All reports, (Incident, Inspection, Investigation, Budget, CAFR, Board Packet) | Cost of reproduction, plus 10% |
| 3.2 | Copy Charges | \$.10 per page; duplexed pages are charged as two pages |
| 3.3 | GIS Maps (Digital Transfer) | Cost of reproduction, plus 10% |
| 3.4 | Copies of photographs, discs, tapes or any other outsourced processed records | Cost of reproduction plus 10% |
| 3.5 | Documentation Certification | \$5.00 or maximum allowable by law |
| 3.6 | Returned Check Charge | \$25/check |
| 3.7 | Late Payment Fee | 10% of fee or \$10 (whichever is greater) |
| 3.8 | Fire Watch Standby *Billed hourly per firefighter with a 2 hr minimum Hourly fee \$95.32 | \$169.38 |
| 3.9 | Fire Apparatus Standby Fee *Billed hourly per firefighter with a 2 hr minimum Hourly fee \$248.59 | \$497.17 |
| 3.10 | ALS Standby Fee (Paramedic Ambulance) *Billed hourly per firefighter with a 2 hr minimum Hourly fee \$237.23 | \$474.45 |
| 3.11 | Overtime Charged/Billed at Time and a Half Actual Time rounded upward to the nearest quarter hour | \$132.35 |
| 3.12 | 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 | |

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| | 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. | |
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“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.

“PAYMENT PROCESSING SURCHARGE.” The District may charge a surcharge to cover the actual costs associated with processing payments electronically or from/with various financial institutions who impose such a fee.

Part 4. INFORMATION TECHNOLOGY SURCHARGE

The schedule of fees included in Section 8, 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 9. Date of Adoption and Effective Date

That this Ordinance established and adopted hereby shall take effect and be in full force, beginning on the 31st day after its final passage and adoption, which is July 9, 2021

The foregoing Ordinance was read and introduced at a regular meeting of the Board of Directors of the Lakeside Fire Protection District, County of San Diego, State of California, on the 25th day of May, 2021 and ordered passed to print by the following vote, to wit:

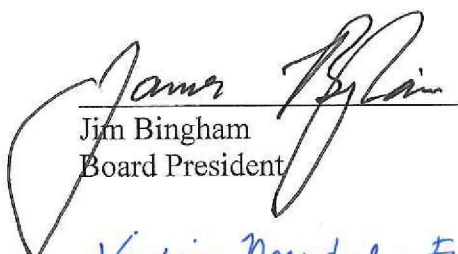
AYES: Baker, Bingham, Liebig

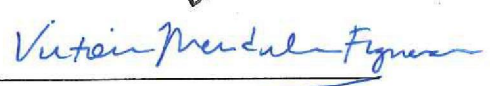
NOES:

ABSTAIN:

ABSENT: Robeson, Robles

ATTESTED:


Jim Bingham
Board President


Janise Bocskovits
Board President Clerk of the Board
Victoria Mendiola Figueroa
Interim Board clerk

APPROVED AS TO FORM:


Steven E. Boehmer
District Counsel