

# PROPOSED

## MENLO PARK FIRE PROTECTION DISTRICT ORDINANCE No. 42-2017 DISTRICT FEE SCHEDULE

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MENLO PARK FIRE PROTECTION DISTRICT ADOPTING FEES FOR SERVICES BY REFERENCE TO THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 13916 AND SECTION 13919 AND REPEALING ORDINANCE 35-2012

The Board of Directors of the Menlo Park Fire Protection District of the County of San Mateo ordains as follows:

**ARTICLE I.** The Menlo Park Fire Protection District has incurred un-reimbursed discretionary development costs and is anticipating that further new discretionary development will occur within the District, which will place a greater demand on the existing staffing resources of the Bureau of Fire Prevention and Life Safety. Escalating demands have also been placed upon suppression personnel in conducting increasingly numerous and complex occupancy inspections.

**ARTICLE II.** The Menlo Park Fire Protection District is charged with the responsibility of enforcing applicable codes pertaining to fire and panic safety and other regulations of the State Fire Marshal pursuant to Section 13146 of the California Health & Safety Code.

**ARTICLE III.** The Menlo Park Fire Protection District incurs additional costs in lost personnel hours and expended District resources when said fire prevention services are of a recurrent nature and the result of discretionary development. The District charges fees to recover costs incurred for the provision of said services, however, said fees require periodic revision to reflect current personnel costs.

**ARTICLE IV.** The Fire Chief may impose a fee for recovery of expenses incurred as a result of activities undertaken pursuant to enforcing the fire prevention provisions of the fire code, pursuant Health and Safety Code Section 13916 and 13919 and Govt. Code Section 66014.

**ARTICLE V.** Fire district fees are based upon the actual costs incurred by the fire agency, which are based upon the total compensation of the employee(s) providing a particular service and include total personnel hours utilized for plan review, file review, database information entry, travel to and from the site, written response, and site inspection. Each fee herein enumerated reflects a comparable cost allocated service level establishing equity between reasonable average allocated staff time and reasonable fully burdened cost with the degree of individual or private benefit gained from the service provided. Fees and corresponding service levels are aligned to achieve one hundred percent utilization of budgeted resources and recovery of costs

without exceeding the estimated average reasonable charge and service to any permit holder or class of permit holders.

**ARTICLE VI.** The actual fee shall be paid by the applicant to the fire district at time of application or submittal to cover the actual costs in accordance with the aforementioned schedule for an *INSPECTION* or *PLAN REVIEW* or any *OTHER SERVICES* listed on the fee schedule.

**ARTICLE VII.** The cost for the provision of said services shall not exceed the costs reasonably borne by the District.

**ARTICLE VIII.** In the event that fees are not paid at the time of application or upon request for additional fees, the District shall not be obligated to process, approve, or take further action on renewable permits, installation, removal, activity or alteration permits, inspections, plan reviews, or other services necessitating a fee as delineated in the Fire District Fee Schedule.

**ARTICLE X.** Following the 2016-2017 fiscal year, the board finds that the reasonable costs of providing the services and service levels for the fees set forth in Exhibit 1, which is on file and incorporated herein by reference, are the fees, services and service levels for 2016-2017 plus the annual increases in the fully burdened hourly rate that affect the cost of providing the service.

**ARTICLE XI.** The Board of Directors hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Fire District Fee Schedule referenced herein be declared for any reason to be invalid, it is the intent of the Board that it would have adopted all other portions of this Ordinance independent of the elimination there from of any such portion as may be declared invalid.

**ARTICLE XII.** The Board of Directors, the Fire Chief or his/her designee shall have the ability to waive any and all fees as adopted by a Resolution of the Board of Directors or by following the established Fee Waiver Policy, Exhibit 2.

**ARTICLE XIII.** The Board of Directors of the Menlo Park Fire Protection District does hereby approve the adoption of the attached Fire District Fee Schedule and Fee Waiver Policy, (Exhibit 1 & 2).

**ARTICLE XIV.** Ordinance 35-2012 is hereby repealed.

**ARTICLE V.** The Secretary to the Board of Directors will certify to the adoption of this Ordinance and cause the same to be published in the manner required by law. This Ordinance

shall take effect no sooner than sixty (60) days after its final passage at a public hearing as required by law.

First Read at a regular meeting of the Board of Directors of the Menlo Park Fire Protection District of the County of San Mateo, California, on the 21<sup>st</sup> Day of February 2017. A public hearing and final adoption occurred on March 21, 2017 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

APPROVED:

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Michelle Radcliffe, Clerk of the Board

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Peter Carpenter, Board President