

ORDINANCE NO. 1-2012/2013

ORDINANCE OF THE SOUTH PLACER FIRE PROTECTION DISTRICT REVISING THE DISTRICT'S SCHEDULE OF FEES AND CHARGES FOR CERTAIN SERVICES INCLUDING INSPECTIONS AND PROCESSING OF APPLICATION FOR AND ISSUANCE OF PERMITS AND PROVIDING MEASURES FOR COLLECTIONS AND PAYMENT FOR SUCH SERVICES

- WHEREAS, SOUTH PLACER FIRE PROTECTION DISTRICT is a fire protection district duly organized and existing under the laws of the State of California, including California Fire Protection District Law of 1997 (California Health and Safety Code Sections 13800 and following), and
- WHEREAS, pursuant to said Health and Safety Code, the District provides various fire protection services and related activities, including without limitation inspection services and the processing of applications for and issuance of various permits and related activities; and
- WHEREAS, there was a previously established in 2008 a schedule of fees and charges for the above referenced services, among others, with said schedule of fees and charges has been followed and imposed thereafter by this district, and
- WHEREAS, California Health and Safety Code Section 13916 authorizes the District to charge a fee to cover the costs of any of the services provided by the District and the cost of enforcing any regulations for which the fee is charged, and
- WHEREAS, the District has undertaken and completed a current analysis of the cost and expenses incurred and necessary to provide, carry on, conduct and perform the above referenced services and related activities and has found that the revenues pursuant to the existing schedule are not sufficient to meet such costs and expenses and that it is necessary to revise the schedule of such fees and charges – accordingly and increase the same so as to generate sufficient revenue to meet the costs reasonably necessary and estimated to be incurred by the District in providing such services;
- WHEREAS, the Board of Directors has determined that the fees and charges as revised hereunder are regulatory in nature and not property-related fees and charges as referred to in California Constitution Sections XIIIc and XIIId (former Proposition 218),

NOW, THEREFORE, THE BOARD OF DIRECTORS OF SOUTH PLACER FIRE PROTECTION DISTRICT, ORDAIN as follows:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following respective meanings unless the context indicates otherwise.

DISTRICT – shall mean South Placer Fire Protection District.

BOARD – shall mean the Board of Directors of this District.

FIRE PREVENTION BUREAU – shall mean and comprise those individuals duly appointed from time to time by the Board and constituting the Fire Prevention Bureau of this District.

INSPECTION FEES – shall mean the schedule of fees and charges established hereunder by this Ordinance for the various respective services and related activities referred to in said schedule as approved and any revisions to the schedule.

PERMIT APPLICATION PROCESSING FEES – shall mean the schedule of fees and charges established by this Ordinance for the services rendered in providing and processing applications for and the issuance of

various types of permits thereafter and related activities in accordance with the schedule set forth as approved and any revisions to such schedule.

SECTION 2. GENERAL POLICIES.

LEGISLATIVE INTENT AND FINDING. The Board of Directors deem it necessary and in the best interests of the District in the providing of fire prevention safety services and activities that various other activities are instrumental in providing such services, including without limitation, inspection activities and the processing of application for and issuance of various types of permits. That a current analysis of the costs and expenses being incurred by the District providing such services has indicated, that the current schedule of fees and charges for such services and the revenue generated hereunder is inadequate to meet the costs necessarily incurred by the District in order to provide such service and conduct such activities and that pursuant to the foregoing, therefore, it is necessary that the schedule of fees and services hereunder be revised accordingly and in an amount sufficient to generate revenues to meet the estimated financial needs of the District providing such services and performing such activities.

All fees for specified services and activities, the subject of the schedule, shall be calculated by the FIRE PREVENTION BUREAU OF THE DISTRICT. The hourly rate will be reviewed and analyzed each year and can be changed if approved.

When required, no permit or approval shall be issued until such facility, process or activity is brought into compliance with the applicable codes and the required service fee or charge is paid in full.

SECTION 3. REVISED SCHEDULE OF FEES AND CHARGES ESTABLISHED.

Pursuant to the foregoing provisions of this ORDINANCE, the BOARD OF DIRECTORS does hereby establish the Revised Schedule of Fees and Charges as shown in Exhibit "#1" attached hereto and by this reference incorporated herein as if set forth in full.

SECTION 4. BILLING FOR AND PAYMENT FOR FEES AND CHARGES.

Concurrently with the Application or performance of the Service referred to, which shall first occur, an itemized bill shall be prepared by the District and presented to the applicant or requested. Bills for fees and charges shall be deemed rendered when delivered personally to the applicant or persons served or when sent by mail to such person at the last address known to the DISTRICT.

DUE DATE AND DELINQUENCY. Bills for fees or charges for services rendered pursuant to the schedule shall be due and payable as of the date rendered and shall be come delinquent on the 30th day thereafter.

SECTION 5. SEVERABILITY CLAUSE

If any section, subsection, paragraph, sentence clause of this Ordinance or any part is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof.

SECTION 6. EFFECTIVE DATE

This ordinance, including the revised schedule of fees and charges established hereunder shall become effective no sooner than 30 days after its enactment and within 15 days thereafter shall be posted and published within the District as required by law.

The rates and charges established pursuant to this shall become applicable within the current fiscal year commencing **November 1, 2012** and remain in effect thereafter.

SECTION 7. REVISIONS AND REVOCATIONS

There is reserved to this Board of Directors the right in their discretion at any time and from time to time to amend, modify or revoke in whole or in part any part, portion or provision of this ordinance as may be permitted or provided by law.

PASSED AND ADOPTED pursuant to hearing and at a regular meeting of the Board of Directors of the SOUTH PLACER FIRE PROTECTION DISTRICT duly called and held in the DISTRICT on September 19, 2012, by the following:

Ayes:

Noes:

Absent:

South Placer Fire Protection District

Board President

Attest:

Board Clerk

EXHIBIT #1