

McMinnville Rural Fire Protection District

ORDINANCE NO. 16-01

AN ORDINANCE ENABLING MCMINNVILLE RURAL FIRE PROTECTION DISTRICT TO RECOVER COSTS ASSOCIATED WITH THE DELIVERY OF SERVICES;.

Whereas, the McMinnville Rural Fire Protection District is in contract with the City of McMinnville to provide Fire Code enforcement and fire suppression response services; and

Whereas, The City of McMinnville does enforce the Oregon State Fire Codes as adopted and updated by the state of Oregon within the McMinnville Rural Fire Protection District; and

Whereas, the Board of Directors, hereinafter referred to as the Board, of the McMinnville Rural Fire Protection District, hereinafter referred to as the District, being aware of the need to develop adequate policies and regulations that enable the Board to recover costs for services provided by The City of McMinnville; and

Whereas, the District can use service cost recovery as a financial disincentive to encourage individuals and business owners to correct fire code violations and limit the unnecessary impact on the City of McMinnville response and enforcement resources; and

Whereas, the District pursuant to ORS 478.410, has the statutory authority to adopt ordinances creating a fee for identified services provided by the district; and

Whereas, a fee created under ORS 478.410 may not exceed the cost of providing the service; and

Whereas, the District pursuant to ORS 478.965 has the statutory authority to recover costs of suppressing open burning violations: and

Whereas, fees and charges imposed by this resolution are not taxes subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution; and

Whereas, after investigation and consideration, the Board is of the opinion and belief that it is appropriate to recover the costs of providing service by the City of McMinnville personnel. The District finds it necessary to adopt the following policy; therefore

THE DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION I - PURPOSE

The purpose of this ordinance is to recover the costs of providing service in those limited instances deemed appropriate by direction of Board policy, as set out in Section V.

- to establish a system of cost-recovery which recognizes the City of McMinnville costs for providing services and attempts to recover those costs through a practical billing structure;
- to establish and maintain a plan for identifying those entities, (either persons, for-profit or not-for-profit businesses, governmental units, or other organizations) from whom costs should be recovered;
- to create economic disincentives for unnecessary impact upon enforcement and response resources;

SECTION II-DUTIES AND POWERS

- The regulations adopted as part of this ordinance shall be enforced by the Fire Chief of the City of McMinnville who shall have the authority to determine whether and how much to recover from those requiring services.
- The Board adopts as part of this ordinance the fee schedule in Appendix A hereto, which outlines typical fees and methods of cost recovery calculation for each approved service.
- This ordinance as hereby adopted, shall be filed in the record of the District. This ordinance is the Cost Recovery Policy, hereinafter referred to as the Cost Recovery Policy of McMinnville Rural Fire Protection District, is adopted pursuant to ORS 478.965 and 478.410.

SECTION III - APPEALS

Appeals by either persons, for-profit or not-for-profit businesses, governmental units, or other organizations shall be presented to the Fire Chief in writing within 30 days from the date of the invoice being received.

SECTION IV - COST RECOVERY

The Fire Chief for the City of McMinnville or his or her designee, shall be responsible for reviewing all cost recovery invoices and determining whether and how much to recover from those requiring services.

The Fire Chief may, at his or her discretion, waive fees and other rules and determine if extenuating circumstances allow waiving cost recovery invoicing in a particular instance.

SECTION V - SERVICES

Fire Code Enforcement

Cost recovery fees shall be imposed for re-inspections of occupancies. Cost recovery enforcement fees will not be imposed for the initial fire and life safety occupancy inspection or the first subsequent re-inspection for identified fire code violations.

The second re-inspection (third visit to occupancy) and all subsequent re-inspections for previously noted fire code violations shall result in cost recovery enforcement fees being imposed.

Automatic Monitored Fire and Medical Alarm Responses

Cost recovery fees shall be imposed for repetitive false (nuisance) responses to fire and medical alarms. No cost recovery fee shall be imposed for the initial three (3) fire alarm or medical responses to any residential or commercial occupancy during a calendar year. No cost recovery fee shall be charged if the fire alarm is a result of a fire. No cost recovery fee will be charged if the medical alarm results in medical treatment by EMS personnel.

Open Burning Violation Responses

Cost recovery fees may be imposed for any response to open burning violations.

Fees and Charges:

Fees for service shall be limited to cost recovery. Methods of calculating the cost of services shall be identified and generally based upon the average cost of providing the service unless otherwise stated.

Cost calculations will include direct costs (apparatus, personnel, and any miscellaneous supplies and services) and indirect costs (administrative overhead). Cost calculation is based on the state conflagration act reimbursement schedule.

The Office of State Fire Marshal has established a standardized schedule of costs associated for apparatus and response (OAR 837-130 & Conflagration Act). This model will be used, when applicable, to guide the establishment of costs associated with apparatus usage. Invoices shall be addressed to the registered property owner, responsible party contacted at the scene, or occupant as decided by the Fire Chief or his designee.

SECTION VI - COLLECTION PROCEDURES

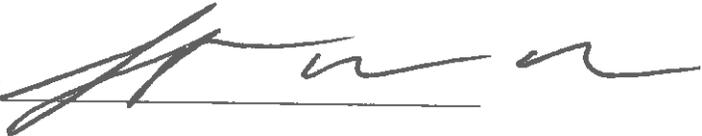
Fees will normally be billed within sixty (60) days of the service delivery date. If arrangements for payment are not made within sixty (60) days of billing, the invoice will shall be considered delinquent and the District will proceed with collections as deemed appropriate by the Fire Chief. All costs related to collection procedures shall be added in addition to Fire District invoiced fees when collection services are required.

SECTION IX - DATE OF EFFECT

This Ordinance shall be effective the 30th day following its second reading and adoption by majority vote of the Board of Directors pursuant to ORS 198.550 (1) and (2). This Cost Recovery Policy shall apply within the District when approved pursuant to ORS 478.924.

This Ordinance was read during a regular meeting of the Board of Directors on the 21st day of November 2016. This Ordinance was re-read during a regular meeting of the Board of Directors on the Dec 12, 2016, and adopted by the affirmative vote of a majority of the Board of the McMinnville Rural Fire Protection District.

Attest: 
Secretary

BY: 
Chairman

FEE SCHEDULE - APPENDIX A

The McMinnville Rural Fire Protection District Fee Schedule

| Code Enforcement | Fee | Notes |
|--|--------------------|---|
| First Fire Inspection | 0 | |
| First Re-inspection | 0 | |
| 2nd Re-inspections | \$100 | |
| 3 rd Re-inspection | \$200 | |
| 4 th Re-inspection | \$400 | |
| Non-Code required Inspection | \$150 | Per Building per request |
| Environmental Review | \$50 | |
| Stand By Fees | | |
| Fire and Rescue standby request by private for profit companies, developers and industry (excludes ambulance). | Full Reimbursement | Fee is tied to Oregon State Conflagration rates for vehicles and crew |
| Response Fees | | |
| Hazardous Material Response Costs | Full Reimbursement | Fee is tied to Oregon State Conflagration rates for vehicles and crew |
| General Violation Fees | | |
| Fire response resulting from an illegal burn or specialized fire suppression required due to burning of illegal material | Full Reimbursement | Fee is tied to Oregon State Conflagration rates for vehicles and crew |
| Failure to obtain a permit | 200 | |
| Failure to adhere to permit conditions | 200 | |
| Burning in violation of fire code | 100 | |
| Fireworks Permits as Required by ORS | | |
| Fire Works Public Display | 200 | |
| Retail or storage (structure) | 50 | |
| Retail or storage (tent) | 50 | |
| Event Permits(festivals, celebrations, special events) as required by ORS | | |
| For areas up / including 50,000 Sq Ft | 150 | |
| For areas over 50,000 Sq Ft | 250 | |
| Pyrotechnics/Flaming Art Performance | 100 | |