ITEM NO. 9

MEMORANDUM

DATE: October 6, 2010

TO: Honorable Mayor and Councilmembers

FROM: Patricia Allison, City Manager's Office

SUBJECT: **REQUEST BY COUNCILMEMBER SANCHEZ TO DIRECT STAFF TO PROVIDE THE REQUIRED 10-DAY PUBLIC NOTICE FOR A PUBLIC HEARING TO BE HELD AT THE COUNCIL'S OCTOBER 20 MEETING REGARDING COUNCIL ADOPTION OF COST RECOVERY FIRE INSPECTION FEES; DIRECTION TO STAFF**

Backup material for this item, if any, will be distributed separately.

STAFF REPORT

ITEM NO.

CITY OF OCEANSIDE

DATE: April 21, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Oceanside Fire Department

SUBJECT: **ESTABLISHMENT OF FEE SCHEDULE FOR ANNUAL INSPECTIONS CONDUCTED BY THE FIRE DEPARTMENT**

SYNOPSIS

Staff recommends that the City Council adopt a resolution to establish a fee schedule for the Fire Department's annual inspections of specified occupancies. These fees are designed to cover the cost of annual inspections required by Health and Safety Code section 13146.2 and would become effective July 1, 2010. The Fire Department does not currently charge a fee for this service.

BACKGROUND

The Fire Prevention Division's primary objective is to decrease the incidence and severity of uncontrolled fire. It does this by using a systems approach, which includes services that ensure that new construction and development is planned and developed in accordance with existing fire codes, and that life safety features of the code are inspected prior to the issuance of the Certificate of Occupancy (COO) by the Building Division.

The second system used to decrease the severity and incidence of uncontrolled fire is an annual or periodic inspection program after the occupancy receives its COO. A well managed, comprehensive inspection program is the proactive system designed to prevent fires before they start.

The Fire Prevention Division has successfully kept pace with the development and new construction plan check and inspection service demand during the years 2001-2007, while maintaining the same number of FTE positions as in FY 97/98. The annual inspection program did not perform as well during the economic up-cycle of 2001-2007. Although the Fire Prevention Division has currently been conducting the required annual inspections, the City does not have a fee schedule in place to recover the cost of the inspections.

ANALYSIS

The California Health and Safety Code requires the local jurisdictions providing fire protection services to perform annual fire inspections for certain occupancy classifications as described in Health and Safety Code section 17921(b). The Health and Safety Code further authorizes the City to charge and collect a fee for such inspections from the owner of the structure in an amount sufficient to pay the costs of the inspection. These inspections function as the foundation of fire prevention for existing high life safety hazard occupancies and encompass all pertinent aspects of fire and life safety code enforcement. The occupancies included in the annual inspection mandate are hotels, motels, apartments, vacation timeshares and condominiums of 3 units or more. The authority for cost recovery based fees for providing this service is contained in section 13146.2(b).

FISCAL IMPACT

The current fee for fire inspections for new development is $119 per inspection. Staff proposes the following structure for the annual residential occupancy inspection fee:

3-10 units $119.00
11-30 units $179.00
31-50 units $238.00
$15 for each additional 10 units

The amounts of these fees were determined based on the average inspection times for the type of structure indicated, as applied to the cost of staff time for personnel involved in conducting the inspections. Staff anticipates cost recovery for the program will be approximately $200,000 annually, based on approximately 1200 occupancies of various sizes throughout the City.

As a comparison, annual inspection fees for residential occupancies in the cities of San Diego and Escondido are as follows:

San Diego		Escondido	
0-5000sq.ft	$217.00	3-16 units	$180.00
5000-10000sq.ft.	$246.00	17-32 units	$225.00
>10000sq.ft.	$470.00	>32 units	$270.00

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATIONS

Staff recommends that the City Council adopt a resolution adding an annual inspection fee to the Fire Department Fee Schedule for certain occupancies with the attached structure for scaling based on size

PREPARED BY:

Mike Margot
Division Chief/Fire Prevention

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
Darryl Hebert, Acting Fire Chief
Teri Ferro, Financial Services Director

Attachment:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ESTABLISHING A FEE SCHEDULE FOR ANNUAL FIRE INSPECTIONS FOR SPECIFIED OCCUPANCIES

WHEREAS, California Health and Safety Code section 13146.2 requires the Oceanside Fire Department to conduct annual inspections of certain structures for compliance with building standards and other regulations of the State Fire Marshal; and

WHEREAS, subsection (b) of the California Health and Safety Code section 13146.2 authorizes the City of Oceanside to charge and collect a fee from the owner of each structure inspected as required in an amount sufficient to pay the costs of such inspection; and

WHEREAS, on April 21, 2010, the City Council of the City of Oceanside conducted a duly noticed public hearing for the purpose of considering establishment of a fee schedule to recover costs for required annual fire prevention inspection services; and

WHEREAS, the City Council heard all persons desiring to speak either in favor of, or in opposition to, the establishment of such fee schedule; and

WHEREAS, the Oceanside City Council wishes to establish a fee schedule to recover the costs of annual fire prevention services.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

SECTION 1. The fee schedule for annual fire inspection and prevention services, attached hereto as Exhibit A, is hereby adopted, effective July 1, 2010.

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PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2010, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

A Resolution of the City Council of the City of Oceanside
Establishing a Fee Schedule for Annual Fire Inspections
for Specified Occupancies

Exhibit A- Annual Fire Inspection Fee Schedule
(Hotels, Motels, Lodging Houses, Apartment Houses, Condominiums)

DESCRIPTION	INSPECTION FEE
3-10 unit structure	$119.00
11-30 unit structure	$179.00
31-50 unit structure	$238.00
structure with more than 50 units	$238.00 + $15 for each additional 10 units over 50