

ORDINANCE NO. 2019-36  
(uncodified)

ESTABLISHING FIRE PROTECTION FACILITIES FEES  
FOR PORTIONS OF THE RODEO-HERCULES FIRE PROTECTION DISTRICT

The Contra Costa County Board of Supervisors ordains as follows:

**SECTION I. Purpose and Authority.** This ordinance establishes fire protection facilities fees for that portion of unincorporated Contra Costa County (the “County”) that is located within the boundaries of the Rodeo-Hercules Fire Protection District (the “District”), and authorizes the County to collect those fees and transmit them to the District. This ordinance is enacted pursuant to Chapter 818-2 of the County Ordinance Code.

**SECTION II. Notice and Hearing.** This ordinance was adopted pursuant to the notice and hearing procedures set forth in County Ordinance Code Chapter 818-2 and in Government Code sections 66016, 66017, and 66018. All required notices have been properly given and public hearings held.

**SECTION III. Service Area.** The service area affected by this ordinance is that portion of unincorporated County that is located within the boundaries of the District.

**SECTION IV. Existence of Overextension.** This Board has reviewed the findings submitted by the Fire Chief of the District. Based upon these findings and evidence presented at the public hearing on this ordinance, the Board determines that the fire protection facilities within the District are not adequate to serve the fire protection needs of the service area, and that these fire protection facilities are therefore overextended.

**SECTION V. Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) “Applicant” means a person, corporation, or entity that applies for a building permit for new construction that will occur within any portion of unincorporated Contra Costa County that is located within the boundaries of the Rodeo-Hercules Fire Protection District.
- (b) “New construction” has the following meanings:
  - (1) When applied to the construction of residential buildings, or the installation of mobilehomes, “new construction” means construction or installation that increases the number of dwelling units on a given lot and requires a building permit.

- (2) When applied to the construction or installation of nonresidential buildings, “new construction” means construction or installation that increases the amount of floor space for nonresidential building purposes, or that increases the number of hotel rooms, on a given lot and requires a building permit.

**SECTION VI. Fees.** On and after the effective date of this ordinance, the following fees shall be collected:

- (a) Fire Protection Facilities Fee. Each Applicant, at the time of application for and prior to the issuance of a building permit for new construction, shall pay a fire protection facilities fee in accordance with the following schedule:

Residential:

Single-Family:	\$1,318.00 per dwelling unit
Multi-Family:	\$ 812.80 per dwelling unit
Accessory Dwelling Unit:	\$ 613.00 per dwelling unit

Nonresidential:

Commercial:	\$ 659.00 per 1,000 square feet
Office:	\$ 886.00 per 1,000 square feet
Industrial:	\$ 376.00 per 1,000 square feet
Hotel Rooms:	\$ 99.00 per hotel room

- (b) District Administration Fee. In addition to the foregoing, each Applicant, at the time of application for and prior to the issuance of a building permit for new construction, shall pay a District administration fee, which is determined to be the estimated average cost of the District’s expenses associated with documenting, collecting, and accounting for the fire protections facilities fee, in accordance with the following schedule:

Residential:

Single-Family:	\$ 26.00 per dwelling unit
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Multi-Family:	\$ 16.00 per dwelling unit
Accessory Dwelling Unit:	\$ 12.00 per dwelling unit

Nonresidential:

Commercial:	\$ 13.00 per 1,000 square feet
Office:	\$ 18.00 per 1,000 square feet
Industrial:	\$ 8.00 per 1,000 square feet
Hotel Rooms:	\$ 2.00 per hotel room

- (c) County Administrative Fee. In addition to the foregoing, each Applicant, at the time of application for and prior to the issuance of a building permit for new construction, shall pay a County administrative fee of \$20, which is determined to be the estimated cost for the County to collect and transfer fire protection facilities fees to the District.

**SECTION VII. Annual Index Adjustment.** Effective July 1, 2020, and on each subsequent anniversary of the date, the amount of each of the fees set forth in this ordinance shall increase or decrease by the annual percentage change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the twelve month period ending with the February index of the same calendar year.

**SECTION VIII. Delay.** If, for any reason, this ordinance's fees are not collected as provided in Section VI, they shall be due and paid upon demand, but in any event this ordinance's fees shall be paid no later than the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs last.

**SECTION IX. Transmittal to District.** Following the County's collection of the fees specified in this ordinance, the fire protection facilities fees and District administration fees will be placed into a separate fund in the County treasury until they are transmitted to the District. Monthly, any fire protection facilities fees and District administration fees collected by the County will be transmitted by the County to the District under the terms of a separate agreement between the County and the District. The County will not collect any fees authorized by this ordinance unless the County and District have entered into a separate agreement that establishes the terms and conditions for the County to collect the fees authorized by this ordinance and transmit them to the District.

**SECTION X. Supersede.** As of its effective date, this ordinance supersedes any prior

ordinance adopted by the County Board of Supervisors, including Ordinance No. 2010-02, that established fire protection facilities fees for that portion of unincorporated Contra Costa County that is located within the boundaries of the Rodeo-Hercules Fire Protection District. However, this repeal shall not affect any fees that were imposed prior to the effective date of this ordinance, which fees shall be paid and collected under the provisions of Ordinance No. 2010-02.

**SECTION XI. Severability.** Notwithstanding any other provision of this ordinance to the contrary, if a court of competent jurisdiction determines any fee set forth in this ordinance is invalid or unenforceable, the corresponding fee adopted by Ordinance No. 2010-02 shall be deemed not to have been repealed and shall remain in effect and subject to the remaining provisions of this ordinance. Notwithstanding any other provision of this ordinance to the contrary, if a court of competent jurisdiction determines this ordinance is invalid or unenforceable, Ordinance No. 2010-02 shall be deemed not to have been repealed and shall remain in full force and effect.

**SECTION XII. Effective Date.** This ordinance becomes effective 60 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:     DAVID J. TWA,  
                 Clerk of the Board of Supervisors  
                 and County Administrator

\_\_\_\_\_  
Board Chair

By: \_\_\_\_\_  
Deputy

[SEAL]

KCK:

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