

ORDINANCE NO. 2010-02
(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 1. 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 2. 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 3. Existence of Overextension. The Board has reviewed the findings submitted by the Fire Chief of the District. Based upon those 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 4. 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.

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- (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 on a given lot and requires a building permit.

SECTION 5. 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: \$ 992.00 per dwelling unit

Multi-Family: \$ 638.00 per dwelling unit

Nonresidential:

Office: \$ 695.00 per 1,000 square feet

Commercial: \$ 517.00 per 1,000 square feet

Industrial: \$ 295.00 per 1,000 square feet

- (b) District 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 District administrative fee, which is determined to be the estimated cost of the District's expenses associated with documenting, collecting, and accounting for the fire protection facilities fee, in accordance with the following schedule:

Residential:

Single Family: \$ 20.00 per dwelling unit

Multi-Family: \$ 13.00 per dwelling unit

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Nonresidential:

Office:	\$ 14.00 per 1,000 square feet
Commercial:	\$ 10.00 per 1,000 square feet
Industrial:	\$ 6.00 per 1,000 square feet

- (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 6. Delay. If, for any reason, this ordinance's fees are not collected as provided in Section 5, 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 7. 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 8. Supersede. As of its effective date, this ordinance supersedes any prior ordinance adopted by the County Board of Supervisors 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.

SECTION 9. Severability. If any fee or provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees or provisions, and the Board declares that it would have adopted each part of this ordinance irrespective of the validity of any other part.

SECTION 10. Effective Date. This ordinance becomes effective 60 days after passage. Within 15 days of passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

PASSED ON January 19 2010 by the following vote:


AYES: Uilkema, Piepho, Glover & Gioia

NOES: None

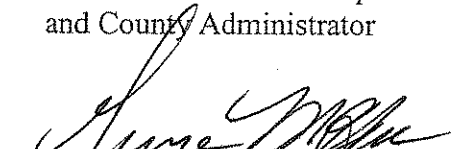
ABSENT: Bonilla

ABSTAIN: None

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

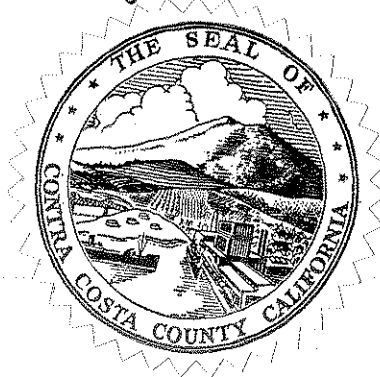

Board Chair

By:


Deputy

TLG:

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