

CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 3 - 0 0 0 9

JAN 0 3 2013

REPORT RE:

DRAFT ORDINANCE ADDING SECTION 57.09.12 TO THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH FEES FOR FIRE DEPARTMENT SERVICES RELATED TO FIRE HYDRANTS, FIRE FLOW AND FIRE DEPARTMENT ACCESS REQUIREMENTS IMPOSED BY THE LOS ANGELES MUNICIPAL CODE

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11-1443

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would add Section 57.09.12 to the Los Angeles Municipal Code (LAMC) to establish fees to recover the Fire Department's costs for providing research, inspections, testing, plan reviews, environmental impact report reviews and other services related to fire hydrants, fire flow and access requirements of LAMC Section 57.09.

Background & Summary of Ordinance Provisions

The Board of Fire Commissioners approved the Fire Department's recommendation for the establishment and collection of fees to be charged for the services related to fire hydrants, fire access and fire-flow requirements. According to the Fire Department's report dated July 5, 2011, the Fire Department seeks to recover actual costs for services in accordance with the City's financial policies for cost recovery.

The Fire Department's Hydrants and Access Unit enforces Chapter V, Article 7, Division 9 of the LAMC to ensure access and reasonable response distances by Fire and Emergency Medical Services, as well as to ensure adequate fire protection water availability throughout the City. The Hydrant and Access Unit of the Fire Department provides pre-development code reviews, hydrant and access plan reviews, research and environmental impact report reviews to developers, architects and contractors.

The Fire Department estimates that in 2011 its personnel spent approximately 2,559 hours for plan review, consultations and other related services provided to developers and contractors. These services were provided at no charge. The draft ordinance would authorize the collection of fees for these services.

Fee Notice Requirement

We note that, because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.


Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Fire Department and the City Administrative Officer with a request that any comments be transmitted directly to Council for consideration when this matter is heard.

If you have any questions regarding this matter, please contact Deputy City Attorney Janet Jackson at (213) 978-8386. She or another member of this Office will be present to answer any questions you may have when you consider this matter.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:JJ:aa
Transmittal

ORDINANCE NO. _____

An ordinance adding Section 57.09.12 of Division 9 of Article 7, Chapter V of the Los Angeles Municipal Code to establish fees for services related to access requirements, fire hydrants and fire flow.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 57.09.12 is added to the Los Angeles Municipal Code to read as follows:

SEC. 57.09.12. FEES.

A. Before performing any services required by this Division, the Fire Department shall collect fees established by the most current cost recovery schedule published by the Fire Department and applicable thereto.

B. Fire Environmental Impact Report Research and Review Fee. The Fire Environmental Impact Report Research and Review Fee is for research and review within the scope of Section 57.09.01. The fee includes plan research and review of a minimum of one hour of an Inspector's research and review. The fee shall be based on the Inspector's hourly rate, with a one (1) hour minimum.

C. Fire Department Access Plan Review Fee. The Fire Department Access Plan Review Fee is for reviews within the scope of Section 57.09.03. The fee shall be based on the Inspector's hourly rate, with a one (1) hour minimum.

D. Fire Department Access Field Inspection Fee. The Fire Department Access Field Inspection Fee is for inspections within the scope of Section 57.09.03. The fee shall be based on the Inspector's hourly rate, with a two (2) hour minimum.

E. Hydrant Plan Review Fee. The Hydrant Plan Review Fee is for reviews within the scope of Section 57.09.06. The fee shall be based on the Inspector's hourly rate, with a one (1) hour minimum.

F. Fire Hydrant Field Inspection and/or Test Fee. The Fire Hydrant Field Inspection and/or Test Fee are for inspections and/or tests within the scope of Section 57.09.06. The fee shall be based on the Inspector's hourly rate, with a two (2) hour minimum.

G. Additional Plan Review, Inspection or Re-inspection Fee. The Additional Plan Review, Inspection or Re-inspection Fee is for additional inspections beyond the initial inspection minimum time increments. These additional fees will be based on minimum one (1) hour increments.

H. Expedite or Off-Hour Fees. The Expedite or Off- Hour Activities Fee applies to fire services related to access, fire hydrants, and fire flow project where the plan review and/or inspection is to be expedited to occur at the earliest possible time, which may include off-hour time. Off-hour time is any time outside of normal business hours of the City. The fee shall be based on the Inspector's Expedite/Off-Hour rate, with a four (4) hour minimum. Such fee shall be paid to the Fire Department prior to final clearance approval by the Department.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk


By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
JANET JACKSON
Deputy City Attorney

Date 1/3/13

File No. CF 11-1443