

## **ORDINANCE NO. 2011-007**

Adopted by the Sacramento City Council

January 25, 2011

### **AN ORDINANCE ADDING CHAPTER 8.128 TO TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO FIRE COST RECOVERY**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

Section 1.

The city council finds and determines that:

- A. The city of Sacramento operates a fire department that provides timely and efficient services to city residents and visitors.
- B. The fire department responds to a high volume of calls for service, including, but not limited to, car fires, motor vehicle accidents, structure fires, and rescues.
- C. The volume of calls for service continues to grow.
- D. The high volume of calls responded to by the fire department causes a significant drain on the finances of the city, and it could jeopardize the city's ability to continue to operate a fire department.
- E. Operating a fire department, with modern equipment and sufficient numbers of trained professional personnel, is essential for the protection of the public health, safety, and welfare of city residents and visitors.
- F. Cost recovery for fire department service calls is essential for the continued operation of the fire department as a modern, professional, and first-class public safety operation, which ultimately reduces the costs to motorists, property owners, members of the general public, and their insurers, by minimizing or mitigating personal injury, property damage, and environmental harm through fast and capable responses to accidents, fires, rescues, and other incidents.
- G. In recognition of the foregoing, and to promote the public health, safety, and welfare, this ordinance authorizes the establishment of mitigation rates for recovery of costs for fire department services.
- H. The mitigation rates established by this ordinance are not "taxes" under Proposition 26. The purpose of the mitigation rates is not to secure revenue

but to recover reasonable city costs from persons who have by their acts or omissions necessitated the expenditure of time, money, and resources by the city's fire department. The mitigation rates are for services provided directly to persons involved in the incident; such services are beneficial to such persons in that they serve to limit the extent of the damages or potential damages arising from their acts or omissions. It is fair and reasonable to allocate fire department response costs to persons whose acts or omissions placed the burden upon the fire department and who receives the mitigation benefits and other benefits of the fire department's response.

- I. City residents support the provision of fire department services through payment of real property tax, real property transfer taxes, utility user tax, and other taxes. Since city residents already support the provision of fire department services through payment of taxes, the cost recovery mitigation rates shall only apply to persons not residing in the city.

## Section 2.

Chapter 8.128 is added to Title 8 of the Sacramento City Code to read as follows:

### Chapter 8.128

#### Cost Recovery for Fire Services

##### **8.128.010 Cost Recovery**

- A. Mitigation rates are established to recover the cost of services provided by the Sacramento fire department in responding to the scene of any incident. The cost recovery mitigations rates are for services directly beneficial to persons involved in the incident in that they serve to limit the extent of damages or potential damages arising from their acts or omissions.
- B. The amount of recovery for specified fire services shall be set by resolution of the city council shall be based on the type and amount of services provided, and shall not exceed the recovery of the reasonable actual cost of personnel, supplies, and equipment present or used at the scene.
- C. The fire chief is authorized to adopt written rules and regulations that are consistent with the provisions of this section, including those related to billing, collection, and dispute resolution, including appeal to a hearing examiner pursuant to Article II of Chapter 1.24 of this Code.
- D. This section shall not apply to response costs covered by California Government Code Section 53150.
- E. The provisions of this chapter are not intended to establish or create a special relationship with any particular person or group of persons who will or may be

affected by the provisions of this chapter. This chapter neither creates nor imposes any duty on the part of the city nor any of its departments, divisions, officials, agents, or employees. Nothing in this chapter shall be interpreted as requiring or promising any response by the fire department to the scene of any incident.

- G. The mitigation rates established by this chapter shall only apply to persons who are not residents of the city. For purposes of this section, a resident is: (a) any person who maintains his or her full time residence within the city; or (b) is the majority owner of a business that operates from real property owned by the business located within the city. For purposes of this section, "business" means any business, commercial enterprise, trade, calling, vocation, profession, or any means of livelihood whether or not carried on for gain or profit, and includes the offering of real property for rental by the owner of such property.

### Section 3.

If any of the provisions of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

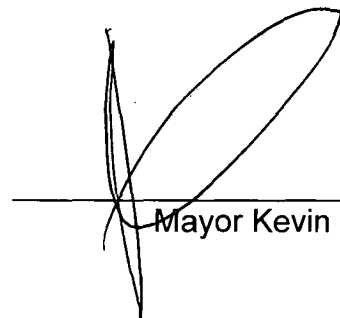
Adopted by the City of Sacramento City Council on January 25, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, McCarty, Schenirer, and Mayor Johnson.

Noes: Councilmembers. D Fong, R Fong, Pannell, & Sheedy

Abstain: None.

Absent: None.



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Mayor Kevin Johnson

Attest:

  
Shirley Concolino, City Clerk

Passed for Publication: January 18, 2011

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Effective: February 23, 2011