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## FIRE DEPARTMENT

### MEMORANDUM

TO: Gregg Mandsager, City Administrator  
Jerry Ewers, Fire Chief

FROM: June Anne Gaeta, Captain

DATE: June 3, 2011

SUBJECT: In-Depth Discussion / Resolution with new fees/Citation and fees for non compliance

#### INTRODUCTION:

In accordance with the direction of city staff and council the Muscatine Fire Department surveyed other Iowa Fire Departments to review and research various fees for service and associated permits related to fire department operations.

#### BACKGROUND:

The Muscatine City Code provides for a variety of charges (fees) for services. City staff and City Council regularly reviews these charges as part of the annual budget preparation and approval process. An ordinance establishing the fees was approved on April 29, 2011, Ordinance #91608-0411. The fees were all approved minus a fee for Open burning – Fire Pits/Ring at residences.

A permit is still required for a fire pit/ring. The permit is free and available in the fire department during business hours or online. As a result, council inquired as to fines for those who did not have permit and the city services were needed as an emergency call for fire and it becomes an unauthorized burn.

#### RECOMMENDATION/RATIONALE:

In order to maintain consistency between departments within the city – there is a unified citation fee schedule all ready in place for violations of city code. To keep this consistency Muscatine Fire Department would use the same citation fee schedule as provided by ordinance #91357-0810 City Council approval of in August 25, 2010. These would be \$100 for first offense, \$200 for second offense, and \$300 for third and each subsequent offense. The fire department will do a public news release and education during the initial month after approval.

#### Attachments:

Ordinance # – Fees for fire department  
Ordinance – Citations for city codes

ORDINANCE NO. 91357-0810

AN ORDINANCE AMENDING TITLE 1, CHAPTER 2, SECTION 7 OF THE  
CITY CODE FOR MUSCATINE, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

SECTION 1. Sections 1-2-7(A) and 1-2-7 (B) are hereby repealed and the following enacted in lieu thereof:

1-2-7 Penalties and Procedures for Municipal Infractions.

(A) The following definition shall be definitions of the words so defined unless the context of the Section dictates otherwise:

(1) "Repeat Offense" is a recurring violation of the same section of the City Code.

(B) Violations, penalties, and alternative relief.

(1) Any violation of the City Code, with the exception of any violation which is a felony or misdemeanor under state law, is a municipal infraction.

(2) Unless other civil penalty is provided elsewhere in this Code for a specific violation, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties: 1<sup>st</sup> offense, \$100.00; 2<sup>nd</sup> offense, \$200.00; and third and subsequent offense(s), \$300.00.

(3) Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

(4) Seeking a civil penalty as authorized in this Section does not preclude the City from seeking alternate relief from the Court in the same action. Such alternative relief may include, but is not limited to an order for abatement, authorizing the City to abate or correct the violation providing that the City's costs for abatement or correction be entered as a personal judgment against the Defendant or assessed against the property where the violation occurred or both, or injunctive relief.

1<sup>st</sup> Reading: July 15, 2010

2<sup>nd</sup> Reading: August 5, 2010

3<sup>rd</sup> Reading: August 19, 2010

Publication August 25, 2010

CITY OF MUSCATINE, IOWA  
BY THE CITY COUNCIL OF THE

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of August, 2010.

Section 2. That all ordinances or parts of ordinances in conflict therewith are hereby  
repealed and this Ordinance shall be in full force and effect from and after its passage and  
published as provided by law.



George Waddagger, City Clerk  
*George Waddagger*

*Richard O'Brien*  
Richard O'Brien, Mayor

**ORDINANCE NO. 91608-0411**

**AN ORDINANCE AMENDING TITLE 6 FIRE REGULATIONS,  
CHAPTER 1 FIRE DEPARTMENT REGULATIONS, CHAPTER 2 OPEN BURNING, CHAPTER 4  
FIREWORKS AND EXPLOSIVES, AND  
CHAPTER 5 FIRE INSPECTIONS**

Be It Enacted by the City Council of the City of Muscatine, Iowa:

**SECTION 1. AMENDMENT. TITLE 6 FIRE REGULATIONS, CHAPTER 1 FIRE DEPARTMENT REGULATIONS of the City Code of Muscatine is hereby amended to add a new Section 17 to include administrative fees as follows:**

**6-1-17 Administrative Fees**

See Attached Exhibit A

**SECTION 2. TITLE 6 FIRE REGULATIONS, CHAPTER 1 FIRE DEPARTMENT REGULATIONS of the City Code of Muscatine is hereby amended to add a new Section 18 to include fees for false alarms as follows:**

**6-1-18 False Alarms**

Fire Alarm Systems which are monitored will be assessed a fee for false alarms which occur during any consecutive 12-month period of time as follows:

See Attached Exhibit A

**SECTION 3. AMENDMENT. TITLE 6 FIRE REGULATIONS, CHAPTER 2 OPEN BURNING, SECTION 1 NO OPEN BURNING; PERMIT REQUIRED. Section 1 No Open Burning; Permit Required of the City Code of Muscatine is hereby amended to include open burning permit fees as follows:**

**6-2-1 No Open Burning; Permit Required. There will be no open burning within the corporate City Limits without a permit having been issued by a representative of the Fire Department or by special exception of City Council. The permit fees shall be as follows:**

See Attached Exhibit A

**SECTION 4. TITLE 6, FIRE REGULATIONS, CHAPTER 4 FIREWORKS AND EXPLOSIVES of the City Code of Muscatine is hereby amended to add a new Section 10 to include fireworks permit fees as follows:**

See Attached Exhibit A

SECTION 5. AMENDMENT. TITLE 6 FIRE REGULATIONS, CHAPTER 5 FIRE INSPECTIONS.  
Section 1 Inspections of the City Code of Muscatine is hereby amended to include inspection fees as follows:

6-5-1 Inspections. The Fire Prevention Bureau shall inspect, as often as the Chief deems necessary, buildings and premises, including such other hazards or appliances as the Chief may designate for the purpose of ascertaining and causing to be corrected any conditions or violations of provisions of this code or of any other law or standard affecting fire safety. The inspection fees shall be as follows:

See attached Exhibit A

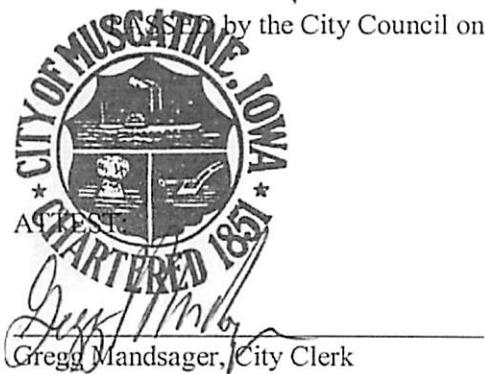
The fees for inspections contained in the City Code shall be in those amounts as provided by resolution adopted from time to time by the City Council.

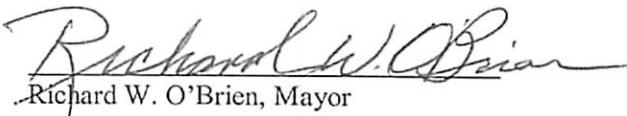
SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ISSUED by the City Council on April 21, 2011, and APPROVED on April 21, 2011.



  
Richard W. O'Brien, Mayor

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Gregg Mandsager, City Clerk

First Reading: March 17, 2011  
Second Reading: April 7, 2011  
Third Reading: April 21, 2011  
Publication: April 28, 2011

## EXHIBIT A

### Title 6 Chapter 1:

#### 6-1-17

##### ADMINISTRATIVE FEES

<u>Type</u>	<u>Fee</u>
Copy of Medical Report	\$ 15.00
Copy of Fire Report	\$ 15.00
Fire Investigation Report	\$ 60.00
Copy of photos	\$ 10.00 ea. (photos on cd)
Plan reviews	\$ 50.00 (sprinklers, fire alarms, hood systems)
Site Assessment Fee	\$ 30.00 (per site/property)

### Title 6 Chapter 1:

#### 6-1-18

##### FALSE ALARMS

Fire Alarm Systems which are monitored will be assessed a fee for false alarms which occur during any consecutive 12-month period of time as follows:

<u>Type</u>	<u>Fee</u>
1 <sup>st</sup> False Alarm	No charge
2 <sup>nd</sup> False Alarm	No charge
3 <sup>rd</sup> False Alarm	\$ 50.00
4 <sup>th</sup> False Alarm	\$ 100.00
5 <sup>th</sup> or more false alarms	\$ 150.00

### Title 6 Chapter 1:

#### 6-1-19

##### STANDBY FEES

<u>Type</u>	<u>Fee</u>
Apparatus with personnel	\$ 262.09 hr

*\* Minimum of 1 hour. Billed in 15 minute increments beyond first hour.*

**Title 6 Chapter 2:**

**6-2-1 A**

**PERMIT FEES**

<u>Type</u>	<u>Fee</u>	
Authorized Burning	\$ 25.00	(Valid for calendar year)
Fire Pit / Ring	\$ 0	(Valid for calendar year)
Commercial Open Burning	\$ 200.00	(Valid for 30 days)

*Note: Permit fees double for failure to obtain permit prior to conducting activities.*

**Title 6 Chapter 4:**

**6-4-10**

**FIREWORKS FEES**

Fireworks	\$ 200.00	(Valid for single event)
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**Title 6 Chapter 5:**

**6-5-1 A**

**FIRE INSPECTION / NON-COMPLIANCE FEES**

**Occupancy Classification Group A, B, E, I, M, S, U**

<u>Type</u>	<u>Fee</u>	
Initial Inspection	\$ 45.00	
1 <sup>st</sup> Re-Inspection	No Charge	(performed 30 days after initial)
2 <sup>nd</sup> Re-Inspection	\$ 50.00	
3 <sup>rd</sup> or more re-Inspections	\$ 100.00	

**Occupancy Classification Group F, H**

<u>Type</u>	<u>Fee</u>	
Initial Inspection	\$ 75.00 hr	(includes inspection and admin time)
1 <sup>st</sup> Re-Inspection	No Charge	(performed 30 days after initial)
2 <sup>nd</sup> or more re-inspections	\$ 75.00 hr	