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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

**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**

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 Sections 1-2-7(A) and 1-2-7 (B) are hereby repealed and the following enacted in lieu thereof: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: 1st offense, \$100.00; 2nd 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.**

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 publication as provided by law.

PASSED, APPROVED, AND ADOPTED this 19th day of August, 2010.

BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA


Richard O'Brien, Mayor




Gregg M. Douds, City Clerk

1st Reading: July 15, 2010

2nd Reading: August 5, 2010

3rd Reading: August 19, 2010

Publication August 25, 2010

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.

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




Richard W. O'Brien, Mayor

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 st False Alarm	No charge
2 nd False Alarm	No charge
3 rd False Alarm	\$ 50.00
4 th False Alarm	\$ 100.00
5 th 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	
1st Re-Inspection	No Charge	(performed 30 days after initial)
2 nd Re-Inspection	\$ 50.00	
3 rd 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)
1st Re-Inspection	No Charge	(performed 30 days after initial)
2 nd or more re-inspections	\$ 75.00 hr	