

CHAPTER 17.04

FIRE PROTECTION FACILITIES FEES

Sections:

- 17.04.010 Purpose.**
- 17.04.020 Fire Protection Facilities Improvement Fee.**
- 17.04.030 Limited Use of Fees.**
- 17.04.040 Developer Construction of Facilities.**
- 17.04.050 Protest.**

17.04.010 Purpose.

In order to implement the goals and objectives of the General Plan regarding adequate fire protection, and to mitigate the impact of new development on fire protection services in the City, certain Fire Protection Facilities must be constructed and equipped. The City Council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the costs of the improvements. In establishing the fee under Government Code Section 66000 et. seq. and described in the following sections, the City Council has found the fee to be consistent with its General Plan and, has considered the effects of the fee with respect to the County's housing needs as established in the General Plan. (Ord. 606, 1999; Ord. 758 §5 (part), 2007)

17.04.020 Fire Protection Facilities Improvement Fee.

A. Establishment of Fees. A Fire Protection Facilities Improvement Fee is established in the incorporated area of the City to pay for the improvement of fire protection facilities. The fee shall not be collected until the City Council, by resolution, sets forth the specific amount of the fee, describes the benefit and impact area on which the

development fee is imposed, lists the specific public improvements to be financed, describes the estimated costs of these facilities, describes the reasonable relationship between this fee and the various types of new developments, and sets forth the time of payment of the fee. The Ripon Consolidated Fire District shall submit information to the City upon which the City Council may make the findings required by this subsection. The fire district shall adhere to guidelines developed by the City regarding the sufficiency of the materials submitted and the procedures to be followed for the submission.

B. Use of Fees. The City Council shall make findings once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in its account five (5) or more years after deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection need only be made for moneys in possession of the City. It need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date, or to funds remitted to the Ripon Consolidated Fire District. (Ord. 606, 1999; Ord. 758 §5 (part), 2007)

17.04.030 Limited Use of Fees.

The revenues raised by payment of this fee shall be placed in a separate and special account, and such revenues, along with any interest earnings on that account, shall be used solely to pay for the fire district's future construction of facilities described in the resolution enacted pursuant to this Chapter, or to reimburse the fire district for those described or listed facilities constructed by the fire district with funds advanced by the fire district from other sources. (Ord. 606, 1999; Ord. 758 §5 (part), 2007)

17.04.040 Developer Construction of Facilities.

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this Chapter, which facility is determined by the City to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, may be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burden created by the development. (Ord. 606, 1999; Ord. 758 §5 (part), 2007)

17.04.050 Protest.

A. A protest as to the imposition of a fee, dedication, reservation, or exaction may be filed with the City Council. Such protest must be in writing and accompanied by payment in full or satisfactory evidence of arrangements to ensure performance of the conditions necessary to meet the requirements of the development approval. The

protest shall include a statement that payment is tendered or that all conditions have been provided for, under protest, and a statement setting forth the factual elements and legal theories on which the protest is based.

B. A protest must be filed at the time of approval or upon conditional approval of the development or within ninety (90) days after the date of imposition of fees, dedication, reservation, or exaction on the development. A legal action may be filed within one hundred eighty (180) days of filing a protest under this section to attack, review, set aside, void, or annul the imposition of fees, dedications, reservations, or exactions, pursuant to Government Code Section 66008. Approval or conditional approval occurs when a tentative map or a parcel map is approved or when a parcel map is recorded if a tentative map or parcel map is not required.

C. A protest may also be filed as a writ of administrative mandate pursuant to Government Code Sections 66009, 66475.4, and 66499.37, within ninety (90) days of a final decision by the City Council to impose the fee, dedication, reservation, or exaction. (Ord. 606, 1999; Ord. 758 §5 (part), 2007)