

## **RESOLUTION OF MT. LEMMON FIRE DISTRICT**

### **Resolution No. 2021-006**

#### **A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE MOUNT LEMMON FIRE DISTRICT'S FY 2021/22 FEE SCHEDULE. PURSUANT TO ARIZONA REVISED STATUTE 48-805, PARAGRAPH B, SECTION 13.**

*“Adopt resolutions establishing fee schedules both within and outside of the jurisdictional boundaries of the district for providing fire protection services and services for the preservation of life, including emergency fire and emergency medical services, plan reviews, standby charges, fire cause determination, users' fees, facilities benefit assessments or any other fee schedule that may be required.”*

BE IT RESOLVED THAT, any fee not covered by this Fee Schedule or previously established by Resolution of the Mt. Lemmon Fire District shall be determined on a case-by-case basis by the Mt. Lemmon Fire Board.

BE IT FURTHER RESOLVED THAT, all other Fees established by Resolution of the Mt. Lemmon Fire District not in conflict with this Resolution shall remain in effect as previously adopted.

BE IT RESOLVED by the Mt. Lemmon Fire Board that the following fee schedule be adopted, effective May 17, 2021.

RESOLVED THIS 17th DAY OF May 2021

### **FEE SCHEDULE**

#### **I. TITLE**

All rules and regulations contained herein, together with additions and amendments as may be hereafter adopted, are hereby designated as the “Mt. Lemmon Fire District Fee Schedule.”

#### **II. AUTHORITY**

This Fee Schedule is adopted through a resolution of the Mt. Lemmon Fire District Board of Directors, pursuant to Arizona Revised Statute 48-805, Paragraph B, Section 13.

#### **III. PURPOSE**

The purpose of the Fee Schedule is to provide for the reimbursement of costs incurred by the Fire District for emergency and/or non-emergency responses by the Mt. Lemmon Fire

District for special events, malicious incidents, hazardous material incidents, technical rescue incidents, motor vehicle collisions, and incidents caused by negligence and/or willful disregard for established fire and life-safety codes. **Additionally, the Fee Schedule shall be applied to responses to non-district residents and/or those responses not covered under an approved mutual or automatic-aid agreement.**

#### IV. LIABILITY

The Mt. Lemmon Fire District shall, at its sole discretion, determine whether or not district resources and/or personnel are available for reimbursable services cited within this document. Furthermore, all persons responsible for the enforcement or application of the Fee Schedule shall not be liable for any damage or injury to persons or property arising out of or relating in any way to the application or enforcement of this Fee Schedule.

#### V. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in the Fee Schedule shall be as follows:

- a. Emergency Incident shall mean those incidents that require fire, rescue and/or medical response in an immediate fashion, following established emergency response protocols.
- b. District shall mean the Mt. Lemmon Fire District.
- c. Emergency Personnel shall mean personnel who are employees of the Mt. Lemmon Fire District during their involvement in an emergency or non-emergency incident/event.
- d. Hazardous Material Incident shall mean those incidents involving the release of any product that could prove a danger to health or the environment.
- e. Malicious Incident shall mean those emergency incidents which stem from an individual's intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for other than an actual emergency.
- f. Medical Call shall mean those emergency incidents in which the Mt. Lemmon Fire District responds in conjunction with the ambulance service provider.
- g. Motor Vehicle Collision shall mean incidents involving one or more motorized vehicles including cars, trucks, buses, planes, helicopters, trains, motorcycles, and the vehicles and trailers being pulled by motorized vehicles.
- h. Non-Emergency Incident shall mean those incidents which allow for fire, rescue and/or emergency medical response in a less urgent fashion, following established non-emergency response protocols.
- i. Non-Permitted Burns shall mean the intentional disposal of debris without the written permission from the Mt. Lemmon Fire District.

- j. Nuisance Incident shall mean those incidents that are of the same nature, on a repetitive basis, at the same location, due to the lack of servicing to mechanical and/or electrical equipment of an emergency system, or the failure to correct a previously documented fire hazard, or false reporting of an emergency incident or any other fire department response that is deemed unnecessary by the Fire Chief, including but not limited to false alarms caused by carelessness.
- k. Special Event shall mean those non-emergency events that occur within and/or outside the Mt. Lemmon Fire District that require the presence of Emergency Personnel employed by the fire district, or as requested by the owner of the involved property or event coordinator.
- l. Technical Rescue Event shall mean incidents that require rope rescue, confined space rescue or technical rescue services and/or extrication.
- m. Wildland Fire shall mean any outside fire involving general natural combustible materials, other than a permitted burn, with no restriction concerning area involved, or size of any damaged area.

#### VI. ELIGIBLE EXPENSES/INCIDENTS

The following types of occurrences and incidents that involve the response of Mt. Lemmon Fire District personnel and/or resources are eligible for invoicing pursuant to this document.

- a. Fire protection services
- b. Services for preservation of life (hazardous material, technical rescue, MVA, etc.)
- c. Medical services
- d. Plan reviews (includes plan review, inspection, citation, permit, and investigative)
- e. Standby charges (special events, fire watch, etc.)
- f. User fees (classroom fees, community outreach fees, etc.)
- g. Other charges (nuisance, negligent or malicious incidents)
- h. Non-permitted Burns
- i. Responses or use of district personnel and/or resources to non-district properties or persons not covered under an approved mutual or automatic-aid agreement.

#### VII. ENFORCEMENT

All enforcement, invoicing, and application of the Fee Schedule is the responsibility of the Fire Chief and/or his designee. Furthermore, the Fire Chief is authorized to conduct investigations and take other steps necessary and provided by law to enforce.

#### VIII. INVOICING

The invoice must contain, at minimum, the date on which services were rendered by the Mt. Lemmon Fire District, due date for payment of invoice, mailing address for payment, the type of incident under the Fee Schedule that serves as the basis for the invoice, an

explanation of the services provided, and the cost of rendered services.

a. Responsible Party

- i. Special Events may be invoiced per occurrence, with the property owner or event organizer(s) responsible as indicated at the time of the event planning.
- ii. Malicious Incidents may be invoiced per occurrence to the responsible party.
- iii. Hazardous Material Incidents may be invoiced per occurrence for negligent events, with the property owner and/or responsible party.
- iv. Technical Rescue Incidents may be invoiced per occurrence for negligent events that result in rendered services.
- v. Motor Vehicle Collisions where extrication is performed may be invoiced per occurrence. In the event multiple vehicles are involved, responsibility for costs may be prorated, as determined by the Fire Chief, among the person(s), operator(s), or vehicle owner(s).
- vi. Non-Permitted Burns may be invoiced per occurrence to responsible party.
- vii. Permitted Burns that get out-of-control due to negligence may be invoiced to the person that was issued the permit.
- viii. Wildland Fires caused by negligence may be invoiced per occurrence to the individual responsible for starting the fire.
- ix. Nuisance Incidents may be invoiced per occurrence, after three occurrences within a calendar year. The property owner shall be considered the responsible party.
- x. Medical Calls may be invoiced per occurrence, with the individual being treated held responsible for the costs. Invoices shall be at the sole discretion of the Fire Chief.
- xi. Out-of-District Responses may be invoiced to property owner and person receiving assistance from district resources and/or personnel.

- b. Reimbursement rates shall be invoiced at the determined rate for each resource and/or employee. Additional time shall be prorated to the nearest ½-hour increments. The established reimbursement rates are published in the accompanying Mt. Lemmon Fire District FY2021/22 Fee Schedule. Payment of the invoice shall be due within 30-days of the invoice date, and interest shall accrue at a ten percent (10%) Annual Percentage Rate (APR) beginning the thirty-first (31<sup>st</sup>) day.

IX. ADMINISTRATIVE APPEAL

Whenever a violation of this Fee Schedule has been found, the aggrieved party may request an administrative appeal to the Fire Chief in the following manner:

- a. The appeal shall be in writing and delivered to the Mt. Lemmon Fire District Fire Chief within ten (10) calendar days of the original invoice date. The letter must contain detailed information explaining the basis of the appeal.
- b. The Fire Chief shall consider the appeal within ten (10) calendar days of the receipt of the appeal and the applicant may be required to meet, in person, with the Fire Chief.
- c. If the appeal is denied, the invoiced party must submit full payment of the invoiced amount or file an appeal to the Mt. Lemmon Fire District Board as outlined in section ten (X) of this document, entitled Board Appeal.

X. BOARD APPEAL

An administrative appeal, that has been denied, may be appealed to the Fire Board. The appeal shall be in writing and shall be submitted within ten (10) days of the decision rendered by the Fire Chief in the administrative appeal. The board appeal shall be acted upon within thirty-five (35) days after the receipt of the appeal notice. Upon such appeal, the Fire Board shall request the aggrieved party's attendance at the appeal hearing and shall act to reverse, affirm or modify, in any regard, the original invoicing determination of the Fire Chief. The Fire Board will issue a written decision to the aggrieved party within fifteen (15) days of the appeal decision.

XI. FEE SCHEDULE

Refer to the attached Mt. Lemmon Fire District FY2021/22 Fee Schedule – Exhibit A

XII. EFFECTIVE DATE

Pursuant to Board approval through resolution R2021-006, the Reimbursement schedule is effective July 1, 2021 and shall in effect until repealed and/or modified by the Mt. Lemmon Fire District Board of Directors.

*Dennis Cozzetti*

dennis cozzetti (May 19, 2021 07:41 PDT)

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Dennis Cozzetti Clerk of the Board

\_\_\_\_\_  
Date

## Exhibit A

## NON-TAXPAYER FEES AND/OR NON-SUBSCRIBERS

Equipment		
Fire Engine (Type II)	\$275/Hour	Minimum charge of two (2) hour
Fire Engine (Type VI)	\$195/Hour	Minimum charge of two (2) hour
Equipment/Support Vehicle	\$200/Hour	Minimum charge of two (2) hour
Water Tender	\$200/Hour	Minimum charge of two (2) hour
Ambulance (No Transport)	\$100/Hour	Minimum charge of two (2) hour
Ambulance (Transport)	\$250/Hour	Minimum Charge of two (2) hour
Command Vehicle	\$175/Hour	Minimum charge of two (2) hour

Procedural		
Extrication Level I	\$795	With the use of hand tools
Extrication Level II	\$1,945	With the use of hydraulic tools (jaws, cutters, etc.)
Landing Zone	\$995	Landing zone command and control
K-12 Saw	\$75	Circular saw used for extrication
Air Bags	\$150 each	Used to lift vehicle or object
Cribbing	\$75	Used to stabilize vehicle or object

Supplies		
All supplies used or damaged	Cost + 10%	Supplies may include water, foam, hose, tools, fuel, personal protection equipment, medical supplies, and any other equipment that was used or damaged as part of the response.

### Notes

- Fee schedule applies to billable responses to non-taxpayers and/or non-subscribers
- After the second full hour, all fees will be prorated to the next half-hour
- Hourly Manpower rate including ERE calculated at 16.3% PSPRS, WC 5.7%, Medicare 1.45% included in equipment rate.

	Maint. /Hour	Depreciation/Hour	Total Cost	Est. Cost of Unit
Engine (Type II)	\$45.86	\$152.00	\$197.86	\$250,000.00
Engine (Type VI)	\$23.20	\$30.00	\$53.20	\$180,000.00

\*Does not include fuel costs

## PUBLIC RECORDS FEE

Non-Commercial		
Reports	No Charge \$0.25/page	1 – 3 pages Cost per page after the first three (3)
Postage Fees	Actual Costs	Actual Costs
Commercial (refer to definition below)		
Reports	\$0.25/page + Fee	Cost shall include photocopy costs and include additional fees pursuant to ARS 39.121.03(A)
Postage Fees	Actual Cost + Fee	Cost shall include adjacent costs and include additional fees pursuant to ARS 39.121.03(A)

### Arizona Revised Statutes 39-121.03

A. When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.

2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market as best determined by the public body.

B. If the custodian of a public record determines that the commercial purpose stated in the statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the governor requesting that the governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The governor, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the governor determines that the public record shall not be provided for such commercial purpose the governor shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection A.

C. A person who obtains a public record for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses it for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

D. For the purposes of this section, "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.

## FIRE CODE COMPLIANCE FEES

### Fire Code Permits

<b>Hazard Severity Survey</b>	\$150 \$75	Each development submitted as a whole Additional, each separately submitted unit, or phase
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**NOW, THEREFORE, BE IT RESOLVED THAT THE MOUNT LEMMON FIRE DISTRICT,** approves that the 2021/22 Fee Schedule is approved.

**FURTHER RESOLVED,** that the Fire Chief and Clerk of the Board are hereby authorized to adopt such resolution.

**RESOLVED and ADOPTED** this 17 day of May 2021.

  
John Perchorowicz (May 18, 2021 09:20 PDT)

John Perchorowicz  
Chair of MLFD Board



Joseph Gunia  
Fire Chief

ATTEST:

  
dennis cozzetti (May 19, 2021 07:41 PDT)

Dennis Cozzetti  
Clerk of MLFD Board