

CHAPTER 3.80
FIRE IMPACT FEE

§ 3.80.010. Purpose.

The city council finds that the purpose of the Fire Impact Fee hereby enacted is to prevent new residential and commercial/industrial development from reducing the quality and availability of public services provided to residents of the city by requiring new residential and business development to contribute to the cost of expanding the availability of fire assets, including facilities, apparatus and equipment provided by the Rancho Cucamonga Fire Protection District (RCFPD) in the city. The city finds:

- A. Fire services, facilities and equipment are needed to serve future development in the city.
- B. Fire services serve the entire residential and business population.
- C. The need to expand the existing fleet of fire vehicles and equipment will be necessary as the population continues to grow.
- D. These fees apply to all residential and business development.
- E. Revenue from the impact fees may be used to expand the availability of fire assets in the city through the acquisition or improvement of real property; or the acquisition, construction or expansion of buildings, furnishings, equipment or any of these.
- F. New residential and business development within the city imposes a burden on the existing fire facilities by adding additional population.
- G. The demand variable used to calculate impact fees for fire protection and emergency response facilities, apparatus and equipment is calls for service per year.
- H. As set forth in the Study, fire impact fees paid by new development are based on the system plan method because fire protection and emergency response are provided by an integrated system of assets and the best time to assess the overall relationship between development and service demand is at the point when all of the assets and all of the development will be in place.
- I. Since assisted living facilities are allowed in some residential zoning districts with a conditional use permit; and residents of those facilities do make use of fire services, impact fees will apply to new development of these types of facilities.
- J. The cost per capita will be applied to future population to compute impact fees per unit.
- K. Impact fees for other specialized development types should be calculated in the same way, if the need arises.
- L. The fee established by this chapter is in addition to any other fees or charges or taxes that are required by law as a condition of development.
- M. The period of greater than 10 days prior to adoption of this chapter, data has been available to the public, and to developers and their representative, indicating the cost or estimated cost of the infrastructure to be funded, the revenue sources anticipated and means of spending these costs.

§ 3.80.020. Definitions.

For the purposes of this chapter, the following words shall have the meanings set forth below:

“Business Development” means all Non-Residential Development subject to the fee, as further described and set forth in the Study.

"Businesses" includes all commercial/industrial, hotel/motel, and office units.

"City/service area" means the entire city.

"Dwelling unit" includes each single-family dwelling, each unit of an apartment, duplex dwelling group or multiple dwelling structure or condominium or planned residential development as a separate habitat for one or more persons or each mobilehome space designed to contain a mobilehome trailer on a semi-permanent or permanent basis.

"Equipment/material" includes all necessary materials that are required for the proper operation of the facility for which this fee is imposed as defined in the study.

"Facilities" means those fire facilities, land, improvements, or infrastructure of RCFD located in the city.

"Person" includes every person, firm or corporation constructing a dwelling unit directly or through the services of any employee, agent or independent contractor.

"Residential development" includes all buildings or dwelling units constructed for the first time on open land or when existing structures are remodeled and added to or otherwise altered to increase the number of dwelling units.

"Study" means the current development impact fee study on file in the city's engineering services department that supports the fee resolution adopted pursuant to section 3.80.050.

§ 3.80.030. Establishment and administration of Fire Impact Fees.

The city council finds that there is a reasonable relationship between the use of the fees and the need for facilities of development projects on which they are imposed and established a fire impact fee upon business and residential development.

§ 3.80.040. Payment.

The fee imposed by this chapter shall be due and payable no sooner than issuance of building permits and no later than issuance of a certificate of occupancy for the dwelling unit(s) subject to the fee. No certificate of occupancy or temporary certificate of occupancy may be issued until the development fee has been paid in full. The amount of the fee shall be calculated at the time the fee is paid, based upon the rate then in effect.

§ 3.80.050. Fees.

The fees imposed by this chapter shall be set by resolution of the city council.

§ 3.80.060. Fee exemptions.

In the event that a development project is found to have no impact on facilities for which impact fees are charged, such project must be exempted from the fees.

§ 3.80.070. Use of fees.

Exhibit A to Ordinance No. 1038

The city council finds that there is established a fire impact fee fund where all sums collected pursuant to this chapter shall be deposited. All fees collected pursuant to this chapter shall be deposited in this fund. All fire impact fees collected pursuant to this Chapter shall be forwarded to the RCFD by the city no less than on an annual basis. All fees so forwarded shall be deposited in a restricted account of the RCFD and all moneys deposited in such account together with any interest earned thereon shall be used only for the purposes of providing additional facilities, apparatus and equipment to mitigate the impact of new development in the city on the need for those facilities.

§ 3.80.080. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall affect the other provisions of this chapter which can be given effect without the invalid provisions or its application, and to this end, the provisions of this chapter are severable.