

Canby Fire District No. 62

ORDINANCE 21-001

AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR INSPECTION, CERTIFICATE OF OCCUPANCY, PERMITTING, FIRE FLOW, AND ACCESS REVIEW FOR COST RECOVERY BY CANBY FIRE DISTRICT NO. 62.

WHEREAS, Canby Fire District (District) Board of Directors (the Board of Directors) move to initiate a fee schedule used to recover actual costs for inspection work done by the District including but not limited to plans review, onsite inspections, virtual inspections, certificate of occupancy processes, and City and/or County review for access and water supply. Services provided by the District as allowed under District Ordinance 21-001 and ORS 478.410(4), and;

WHEREAS, the fees established by this ordinance have been evaluated by the Canby Fire District Board of Directors and the Directors have reviewed and approved the costs of providing such services, and;

WHEREAS, the Board of Directors has determined that it is fair, reasonable, and appropriate to adopt a cost recovery mechanism to collect the costs of providing such services, and;

WHEREAS, the Board of Directors has determined that such fees will be limited to cost recovery only and will not be used to generate revenue for the District, and;

WHEREAS, the Board of Directors desires to equitably distribute District resources among all District consumers for inspection, certificate of occupancy, permitting, fire flow, and access review, and;

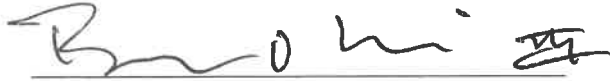
WHEREAS, the District desires to establish fees and charges, to recover the District's reasonable estimate of the actual cost, including labor and material, repairs and depreciation of capital assets, and other overhead, and;

WHEREAS, the fees and charges imposed by this ordinance are not a tax and therefore are not subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF CANBY FIRE DISTRICT NO. 62:

1. **ADOPTION OF FEE SCHEDULE.** The Board of Directors of the Canby Fire District hereby adopts the fees and rates set forth in the fee schedule attached hereto and by this reference is incorporated within Ordinance 21-001 as "EXHIBIT A". The Board of Directors further directs that such rates and fees, other than penalties for late payments, shall not be imposed as a penalty, but shall be calculated to recover the reasonable estimate of the actual cost to the District.
2. The Board of Directors shall use the current rate and fee schedule as provided in of Ordinance 21-001. The fee schedule is to recover the costs for the positions performing duties and resources utilized.

ADOPTED this 22nd day of September 2021

A handwritten signature in black ink, appearing to read "B. O. ...", written over a horizontal line.

Board of Director
Canby Fire District

A handwritten signature in black ink, appearing to read "D. ...", written over a horizontal line.

Board of Director
Canby Fire District

Exhibit A

Business license initial inspection and signature fee:	\$75.00 / License
Inspection work as required at the discretion of the Fire Chief:	\$125.00 / Hour

ORS 478.410 (4)

REVENUES AND FINANCES

(Generally)

478.410 Power of district to levy taxes, borrow money, sell bonds and create fees. (1) To provide funds for defraying expenses for the establishment, equipment and maintenance of the district, the district board may provide for a tax on the assessed value of all taxable property within the district.

(2) To carry into effect any of the powers granted to the district, the district, when authorized by a majority of the voters voting at an election called for that purpose, may borrow money and sell and dispose of general obligation bonds. The total outstanding general obligation bonds, together with liabilities outstanding incurred under rental or lease-purchase agreements authorized by subsection (3) of this section, may not exceed one and one-fourth percent (0.0125) of the real market value of all taxable property within the district, computed in accordance with ORS 308.207.

(3) The district board may enter into rental or lease-purchase agreements to rent, lease or acquire real or personal property, or both, required for fire-protection purposes. Except for agreements to rent, lease or acquire real property, an agreement may not run for more than 10 years or be subject to renewal. The aggregate principal obligations under the agreements, and under other like agreements, with outstanding bonded indebtedness, may not exceed the limitation imposed by subsection (2) of this section. ORS 294.305 to 294.565 do not affect or restrict the right of any district to enter into an agreement described in this subsection.

(4) Unless expressly prohibited by the documents creating the district, a district board may adopt an ordinance as provided under ORS 198.510 to 198.600 to create a fee for any service provided by the district. A fee created under authority of this section may not exceed the cost to the district of providing the service. The fee authority granted to a board by this subsection is in addition to any authority granted to a board under local law or by the documents creating the district. Notwithstanding ORS 198.600, the failure to pay a fee created under authority of this section is not a violation punishable under ORS 198.600. [Amended by 1959 c.520 §1; 1963 c.9 §30; 1967 c.235 §1; 1969 c.667 §26; 1975 c.467 §1; 1981 c.804 §108; 1983 c.192 §3; 1991 c.459 §418; 2005 c.620 §1; 2017 c.26 §9]