

RESOLUTION 17-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING ADJUSTMENTS TO THE MARCO ISLAND FIRE PREVENTION PERMIT FEES AS AUTHORIZED BY CITY ORDINANCE 08-11; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 15, 2008, City Council of the City of Marco Island, Florida, ("City Council") adopted Ordinance Number 08-11 establishing a Fire Prevention and Protection Code; and

WHEREAS, Section 22-34 (as codified) specifies that "City Council" may change, delete or add to the listed fees by resolution; and

WHEREAS, the City of Marco Island Fire Prevention Division has not adjusted fees since 2011; and

WHEREAS, the City of Marco Island Fire Prevention Division associated costs to provide services has increased; and

WHEREAS, the Fire Prevention Division has made a recommendation to decrease fees associated with malfunctioning or nuisance fire alarms as provided in section 22-36; and

WHEREAS, the Fire Prevention Division has reviewed the fees and is requesting a three percent (3%) general increase, with exceptions, to help offset costs; and

WHEREAS, City Council finds that it is in the best interest of the City to approve the adjusted Fire Prevention Permit Fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marco Island, Florida, that:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein.

SECTION 2. Approval. The Fire Prevention Permit Fees as specified in the attached Exhibit "A", are hereby established and adopted.

SECTION 3. Conflicts. That all prior resolutions or parts of resolutions, insofar as they are inconsistent or in conflict with the provisions of this Resolution, are hereby repealed.

SECTION 4. Severability. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered and will in no way affect the validity of the other provisions of this Resolution.

SECTION 5. Effective Date. This Resolution shall be effective immediately upon adoption.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 4th day of December 2017.

ATTEST:



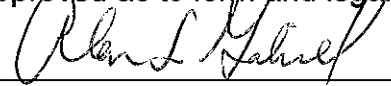
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

EXHIBIT "A"

Chapter 22 FIRE PREVENTION AND PROTECTION*

Sec. 22-34 Permit Fee Schedule. Intent

It is the intent of the City of Marco Island, City Council that Aall Commercial and Multifamily structures and projects being built new, or being altered, and/or added to requiring a permit shall be subject to a fee for each of the following categories applicable to the work being done. The fee rate schedule will be evaluated annually to make adjustments to keep the income generated in line with expenses. This will be done at the time the city's normal budget process is being considered. The City Ceouncil may change, delete or add to the listed fees by resolution.

A. Fire Code Compliance Plan Review Fees

1) Architectural plan review fees:

Less than or equal to \$120,000	.57% <u>.60% of Job Value</u>
Greater than \$120,000 and less than or equal to \$600,000	.054% <u>.057% of Job Value</u>
Greater than \$600,000 and less than or equal to \$1,200,000	.079% <u>.082% of Job Value</u>
Greater than \$1,200,000	.034% <u>.037% of Job Value</u>

2) Fire Sprinkler Systems:

\$50.00 + \$.95 \$52.00 + \$.98 Per Head

3) Underground Fire Line

\$100.00 + \$.20 \$103.00 + \$.21 Per foot
(Rounded Up)

4) Standpipes

\$50.00 + \$5.00 \$52.00 + \$6.00 Per Riser

5) Fire Pumps

\$275.00 \$285.00 Each

6) Generators

\$275.00 \$285.00 Each

7) Pre-engineered Fire suppression Systems (new)

\$65 + \$20.00 \$67.00 + \$21.00 Per Bottle of
Suppression Agent

8) Pre-engineered Systems (existing)

\$65.00 + \$2.00 \$67.00 + 2.10 Per Head Altered or Added

9) Kitchen Hood Ventilation Systems

\$100.00 \$103.00 Per system

10) Fire Alarm Systems (zoned systems)

\$90 + \$15.00 \$93.00 + \$16.00
Per zone

11) Fire Alarm Systems (intelligent system)
Includes Wireless Monitoring Permits

\$90.00 + \$.65 \$93.00 + \$.67 Per device

12) Monitoring Only (excludes wireless)

\$40.00 \$42.00

13) Low Voltage Wiring (All Except Fire Alarm)

\$40.00 \$42.00

14) Fuel Storage Systems Including LPG
(Install, Removal or Abandonment)

\$70.00 + \$50.00 \$72.00 + \$52.00 Per Tank

15) ~~LPG Installation~~
~~(Install, Removal or Abandonment)~~

~~\$60.00 + \$10.00 \$62.00 + \$11.00 Per Tank~~

15) Commercial Hurricane Shutters impacting:

2 Egress and /or access points	Initial	\$40.00	<u>\$50.00</u>
Each additional egress or access point			\$2.00
<u>16) Back Flow Prevention Devices</u>			<u>\$50.00</u>
<u>17) Docks (New, Replace or Repair)</u>			<u>\$100.00</u>
<u>18) Minimum Review Fee and Items Not Listed Above</u>		\$40.00	<u>\$42.00</u>
<u>19) Fast Track Permit Review Fee</u> (After Hours/Weekends, Subject to availability)	Time and one half, plus 30%		
<u>20) Technology Fee on all Plan Reviews, Revisions, SDP/SIP/CU, and All Inspections.</u>	5% of fee up to maximum of \$300.00	\$10.00	<u>\$10.00</u>
<u>21) All fees listed above include the initial review and One (1) re-review. Additional re-reviews will be provided in accordance with the following schedule.</u>			
2 nd Re-Review	10% of Original Review	\$40.00	<u>\$42.00</u> Minimum
3 rd Re-Review	25% of Original Review	\$50.00	<u>\$52.00</u> Minimum
4 th Re-Review	50% of Original Review	\$100.00	<u>\$103.00</u> Minimum
5 th Re-Review	100% of Original Review	\$200.00	<u>\$206.00</u> Minimum
<u>22) Revisions/Additions to original or previously approved plans</u>	25% of Original Review	\$30.00	<u>\$42.00</u> Minimum
<u>23) Administrative fee for correcting plans</u> (Removing, adding or copying required information not done properly by submitter)		\$50.00	<u>\$52.00</u>
<u>24) Fire Permit Extension (90 Days)</u>		\$50.00	<u>\$52.00</u>
<u>25) Expired Fire Permit Re-issuance Fee</u>	Original review fee x 30% not to exceed \$500.00		
<u>26) SDP (Site Development Plan)</u>		\$200.00	<u>\$206.00</u>
<u>SDPA (Site Development Plan Amendment)</u>		\$150.00	<u>\$155.00</u>
<u>SIP (Sit Improvement Plan), CU (Conditional Use) and all others</u>		\$150.00	<u>\$155.00</u>

These fees are to be incorporated into the fees administered by the City Planner		
Minimum Other SDP (Site Development Plan)	\$30.00	\$200.00
Minimum Other SDPA (Site Development Plan Amendment)	\$30.00	\$150.00
Minimum Other SIP (Sit Improvement Plan), CU (Conditional Use) and all others	\$30.00	\$150.00

B. Fire Code Compliance Inspection Fees Through Permit Process:

1. SITE PLAN INSPECTION (All Categories) \$200.00 ~~\$206.00~~

2. BUILDINGS – Square footage is defined as the total area of the structure(s) under roof.
Construction Types I, II, III, IV, & V:

New Single Story: \$300.00 + \$0.02 ~~\$309.00~~ + \$.03 per sq. ft.

New Multi Story: \$150.00 ~~\$155.00~~ per floor, per tower + \$0.02 ~~\$.03~~ per sq. ft.

Construction Type VI: \$300.00 ~~\$309.00~~ per floor + \$0.03 ~~\$.04~~ per sq. ft.

Remodels and Alterations

All Commercial: Multiple Units or Floors ~~\$250.00~~ \$270.00 per floor, per tower + \$0.15 ~~\$.16~~ per sq. ft.

Commercial: Individual Units ~~\$258.00~~ per unit + \$.16 per sq. ft.

Plumbing Stack Replacements Fire Stop Insp. \$150.00 per unit stack

Single Business/ Single Apartment Units \$100.00 ~~\$103.00~~ per unit + \$0.15 ~~\$.16~~ per sq. ft.

3. FIRE SPRINKLERS

New: \$300.00 ~~\$309.00~~ per floor, per tower + \$0.65 ~~\$.67~~ per head

Remodels: \$200.00 ~~\$206.00~~ per floor, per tower + \$1.00 ~~\$1.03~~ per head

15 Heads or less relocated or added \$103.00 + \$1.03 per head

4. FIRE ALARM SYSTEMS

New: \$300.00 ~~\$309.00~~ per floor, per tower + \$0.65 ~~\$.67~~ per device

Remodels: \$200.00 ~~\$206.00~~ per floor, per tower + \$1.00 ~~\$1.03~~ per device

4 Devices or less relocated or added \$103.00 + \$1.00 per device

Monitoring including Wireless: \$100.00 ~~\$103.00~~ per system

5. LOW VOLTAGE WIRING \$100.00 ~~\$103.00~~ per floor

6. KITCHEN HOODS \$200.00 + \$1.00 ~~\$206.00~~ + \$1.03 per foot of duct

7. SUPPRESSION SYSTEMS \$50.00 ~~\$52.00~~ per bottle + \$2.00 ~~\$2.06~~ per head
Total Flood & Pre-Engineered

8. SPRAY BOOTHS \$50.00 ~~\$52.00~~ per bottle + \$0.50 ~~\$.52~~ per sq. ft.

9. UNDERGROUND FIRE LINES \$100.00 ~~\$103.00~~ + \$1.00 ~~\$1.03~~ per linear ft.

10. STANDPIPES (New or Replacement) \$100.00 ~~\$150.00~~ per independent riser

11. FIRE PUMPS \$300.00 ~~\$309.00~~ each

12. GENERATORS \$300.00 ~~\$309.00~~ each

13. LPG TANK INSTALLATIONS

Above Ground:

Up to 1,000 gal. \$50.00 ~~\$52.00~~ per tank

1,001 gal. to 3,000 gal.	\$60.00 <u>\$62.00</u> per tank
3,001 gal. to 4,000 gal.	\$100.00 <u>\$103.00</u> per tank
Larger than 4,000 gals.	\$100.00 <u>\$103.00</u> + \$30.00 <u>\$31.00</u> for each additional 1,000 gals.

Under Ground:

Up to 1,000 gal.	\$100.00 <u>\$103.00</u> per tank
1,001 gal. to 3,000 gal.	\$150.00 <u>\$103.00</u> per tank
3,001 gal. to 4,000 gal.	\$200.00 <u>\$206.00</u> per tank
Larger than 4,000 gals.	\$200.00 <u>\$206.00</u> + \$30.00 <u>\$31.00</u> for each additional 1,000 gals.

13. FUEL STORAGE TANK AND LPG TANK INSTALLATIONS

Above Ground:

Up to 1,000 gal.	\$100.00 <u>\$103.00</u> per tank
1,001 gal. to 3,000 gal.	\$150.00 <u>\$155.00</u> per tank
3,001 gal. to 4,000 gal.	\$200.00 <u>\$206.00</u> per tank
Larger than 4,000 gals.	\$200.00 <u>\$206.00</u> + \$30.00 <u>\$31.00</u> for each additional 1,000 gals.

Under Ground:

Up to 1,000 gal.	\$150.00 <u>\$155.00</u> per tank
1,001 gal. to 3,000 gal.	\$250.00 <u>\$206.00</u> per tank
3,001 gal. to 4,000 gal.	\$250.00 <u>\$257.50</u> per tank
Larger than 4,000 gals.	\$250.00 <u>\$257.50</u> + \$30.00 <u>\$31.00</u> for each additional 1,000 gals.

14. HYDRANT RESTRAINTS AND BREAKAWAY PADS ~~\$50.00~~ \$52.00 per restraint hydrant

15. HYDRANT/BACKFLOW ACCEPTANCE TEST ~~\$75.00~~ \$77.00 per device hydrant

16. HYDRANT FLOW TEST: Initial Flow Point ~~\$75.00~~ \$77.00
Each Additional Flow Point ~~\$35.00~~ \$36.00

18. ALTERNATIVE WATER SUPPLY/DRAFT HYDRANTS ~~\$250.00~~ \$257.50

18. COMMERCIAL HURRICANE SHUTTERS:
2 egress and/or access points ~~\$50.00~~ \$52.00
Each additional egress or access point ~~\$5.00~~ \$6.00

19. MISCELLANEOUS & MINIMUM INSPECTION FEES:

Fire Retardant Spray Application	\$100.00 <u>\$103.00</u> Each Structure
	\$25.00 <u>\$26.00</u> Per Interior Assembly Application
Fire Dept. Access Lock Box Key Exchange	\$25.00 <u>\$26.00</u> each event
Emergency Access/Electric Gates	\$15.00 <u>\$16.00</u> each event
Minimum Inspection Fee Not Otherwise Noted	\$100.00 <u>\$103.00</u>

20. TIME SPECIFIC INSPECTIONS ~~\$100.00~~ \$103.00 each inspection
Subject to availability

21. SPECIAL DUTY (Fire Watch, Fire Alarm/Sprinkler Standby, Special Investigations etc.)

Time and one half + 30%

~~23. STATE OF FLORIDA MANDATED INSPECTIONS \$75.00~~
~~Facilities such as Day Cares, Pre Schools, Day Schools, Assisted Living etc.~~

22. 24. SINGLE FAMILY RESORT DWELLING INSPECTIONS

Inspection and one re-inspection per unit	\$75.00 <u>\$77.00</u>
2 nd Re-inspection	\$50.00 <u>\$52.00</u>
3 rd Re-inspection	\$75.00 <u>\$77.00</u>
4 th Re-inspection	\$100.00 <u>\$103.00</u>
5 th and subsequent re-inspections:	\$200.00 <u>\$206.00</u>

23. 25. YELLOW TAGS (re-inspections *of permitted work*)

1 st Fail: per unit	\$75.00 <u>\$77.00</u>
2 nd Fail: per unit	\$105.00 <u>\$108.00</u>
3 rd Fail: per unit	\$140.00 <u>\$144.00</u>
4 th Fail: per unit	\$350.00 <u>\$360.00</u>
5 th Fail & each subsequent fail	\$500.00 <u>\$515.00</u>

24. 26. RED TAGS - *Construction areas or sites* - (Immediate stop work order) (re-inspections 2xfee)

Working without Permit Card on site.

Safety violations on site.

Combustibles on site without water supply (hydrants / approved alternative water supply).

Job sites inaccessible to fire apparatus.

Working without Marco Island Building or Fire Permit (4x permit fee)

EXCEPTIONS:

~~1) Structural permits for detached one and two family dwellings are exempt from fire prevention permit fees.~~

~~2) Permits that in the opinion of the Fire Marshal, do not present a fire protection or life safety hazard shall be exempt from fire prevention inspection fees.~~

~~27. Notice Of Violation - General - \$100 Plus Cost Recovery. Any Violation of State Fire or Life Safety Codes or City Ordinance,~~

C. Special Event Fees:

Commercial Fireworks Display, per display. ~~\$300.00~~ \$309.00

Small Outdoor/Indoor Event (Up to 500 participants and/or 25 vendors) ~~\$100.00~~ \$103.00

Large Special Events indoor or outdoor including circuses, fairs, carnivals ~~\$150.00~~ \$155.00
 concerts, exhibits, and trade shows. (Over 500 participants and/or over 25 vendors)

Carnival/Mechanical rides, fun houses and game tents or trailers ~~\$30.00~~ \$31.00 Each

Tents 400 sq. ft. or larger and covered stages, including trailer stages ~~\$400.00~~ \$103.00 Each

Food Concessions (Tent or Tailor) ~~\$30.00~~ \$31.00 Each

Motorized Vehicles Utilized as Vending or Concessions ~~\$30.00~~ \$31.00 Each
 including Food Concessions.

Exceptions:

~~a. Small Hotel sponsored events on their own property with a fire safety plan that has been reviewed, approved and deemed compliant by the Fire Marshal's office prior to the event.~~

~~b. Small events with no more than 4 tents measured less than 12 feet by 12 feet, with no cooking allowed, and not obstructing Fire Department access to buildings.~~

~~D. New Occupancy, Change of Occupancy or Existing Occupancy Inspection Fees:~~

Sec. 22-35. Inspection Fees: New, Change of, or Existing Occupancies.

1. A fee will be assessed for a notice of fire compliance certificate inspection for all new commercial and/or change of ownership of commercial occupancies, or those required to be inspected on a recurring basis.

2. Each occupancy type is assessed a fee based upon its use. Properties with multiple structures or uses will incur a fee for each structure or use inspected.

Apartments and Condominiums: Defined As "A building having three or more living units with independent cooking and bathroom facilities."

Fee per Apartment/er Condominium Building.

Up to 2 stories	\$50.00	<u>\$75.00</u>
3 to 5 stories	\$80.00	<u>\$82.00</u>
6 to 9 stories	\$100.00	<u>\$103.00</u>
10 stories and taller	\$200.00	<u>\$206.00</u>

Assembly Occupancies:

50 to 99 Persons	\$95.00	<u>\$100.00</u>
100 to 300 Persons	\$125.00	<u>\$130.00</u>
301 to 1,000 Persons	\$158.00	<u>\$162.00</u>
Over 1,000 Persons	\$315.00	<u>\$320.00</u>

Assisted Living Facilities:

Up to 16 Persons (Small Facility)	\$105.00	<u>\$110.00</u>
Over 16 Persons (Large Facility)	\$135.00	<u>\$140.00</u>

Business Occupancies:

Up to 1,500 <u>to 3,000</u> sq.f	\$35.00	<u>\$75.00</u>
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1,600 to 3,000	\$50.00
3,001 to 5,000	\$65.00 <u>\$85.00</u>
5,001 to 10,000	\$105.00 <u>\$110.00</u>
10,001 to 50,000	\$131.00 <u>\$336.00</u>
Fueling Facilities Add	\$50.00 <u>\$55.00</u>

Day Care Centers and Nursery Schools:

3 to 6 Clients	\$45.00 <u>\$75.00</u>
7 to 12 Clients	\$65.00 <u>\$85.00</u>
Over 12 Clients	\$85.00 <u>\$95.00</u>

Hotels, Motels, Dormitories, Lodging and Rooming Houses:

Each building having up to 30 units under the same management In which there are sleeping accommodations.	\$125.00 <u>\$130.00</u>
Each additional unit over 50	\$1.25 <u>\$2.25</u>

Industrial/Manufacturing Occupancies:

Up to 1,000 sq.ft	\$65.00 <u>\$75.00</u>
1,001 to 5,000	\$95.00 <u>\$100.00</u>
5,001 to 10,000	\$130.00 <u>\$135.00</u>
10,000 to 50,000	\$200.00 <u>\$206.00</u>

Marinas:

Including all associated structures <u>Docking facilities</u>	\$150.00 <u>\$155.00</u>
Fueling facilities add	\$50.00 <u>\$55.00</u>

Associated facilities such as storage and mercantile incur separate fees in accordance with this schedule.

Nursing Homes/Health Care Facilities:

Up to 100 Beds	\$200.00 <u>\$205.00</u>
Each additional bed over 100	\$1.50 <u>\$2.50</u>
Maximum \$925.00	

Mercantile:

Up to 1,000 sq.ft. <u>to 3,000 sq. ft.</u>	\$30.00 <u>\$75.00</u>
1,001 to 3,000	\$50.00
3,001 to 5,000	\$75.00 <u>\$80.00</u>
5,001 to 10,000	\$105.00 <u>\$110.00</u>
10,001 to 25,000	\$160.00 <u>\$165.00</u>
25,001 to 50,000	\$210.00 <u>\$215.00</u>

Storage Occupancies:

Up to 1,000 sq.ft. <u>to 5,000 sq. ft.</u>	\$65.00 <u>\$100.00</u>
1,001 to 5,000	\$95.00
5,001 to 10,000	\$125.00 <u>\$130.00</u>
10,001 to 25,000	\$150.00 <u>\$155.00</u>
25,001 to 50,000	\$200.00 <u>\$205.00</u>

2- Exception:

a. New or renovated construction in which a building permit has been issued for the business occupancy or if a final fire inspection has been issued within 6 months of application for an occupational license a no fee will not be charged.

3. Re-inspection Fees All Occupancies.

a. First re-inspection:

1. No fee if all violations are corrected or other arrangements have been made with the fire prevention bureau.

2. A fee of \$75.00 if violations still exist.

b. Second re-inspection and each additional re-inspection: \$100.00 fee if violations still exist.

Sec. 22-35. Fees for re-inspection of New Occupancy, Change of Occupancy or Existing Occupancy.

~~(1) Re-inspection All Occupancies.~~

~~a. First re-inspection:~~

~~1. No fee if all violations are corrected or other arrangements have been made with the fire prevention bureau.~~

~~2. A fee of \$75.00 if violations still exist.~~

~~b. Second and each additional re-inspection: \$100.00 fee if violations still exist.~~

Sec 22-36. Fees for response to malfunctioning fire alarm, detection and suppression systems.

(a) The fee schedule for malfunctioning or nuisance fire alarms, detection and suppression systems will be evaluated annually to make adjustments to keep the fee generated in line with expenses. This will be done at the time the City's normal budget progress is being considered. The City may change, delete or add to the listed fees by resolution.

(b) There is a need for proper operation and maintenance of fire alarm, fire detection and fire suppression systems. The response of fire rescue and other City personnel and equipment to structures with these systems that have malfunctioned causes an added burden on the resources of the City and endangers the lives of the public and employees.

(1) It shall be the responsibility of the owner/agent or occupant of the structure or premises having a system to have such systems maintained by a qualified contractor at all times. It is also the responsibility of the owner/agent or occupant to have a owner/manager or qualified contractor on site within one hour of a fire department request.

(2) Any continued malfunction, failure to make needed improvements, failure to protect against malicious activation, of a fire alarm, fire detection and/or fire suppression system to which department fire responds emergency response is made will be handled in the following manner:

a. First response: The Fire Department will not charge for the first fire alarm response provided that corrective action is taken by the property owner or agent in the form of system repair or evaluation by a licensed fire alarm contractor. Should no corrective action be taken and the units are called back for the same alarm within a 48 hour period there shall be a charge of \$75.00 in addition to the \$75.00 for a second response.

b. Second response during the same budget year: \$75.00.

c. Third and Fourth responses shall be \$350.00

d. Fifth and Sixth responses shall be \$550.00

e. All additional responses shall be \$750.00 per occurrence.

(c) Fees are due immediately upon notice from the Fire Rescue Department. Failure to pay the fee within 30 days will constitute a civil infraction in accordance with F.S. § 633.052 and with this article and as such will be enforceable in accordance with that statute and this article

(d) Any person found resetting or in any way interfering with the reporting of a fire alarm before arrival of fire personnel shall be in violation of FS. § 806.10 and shall be guilty of a felony of the third degree. (Ord. No. 99-8, addendum C, 5-3-1999; Ord. N. 01-30, § 1, exh. A, 1-5-2001)

Sec. 22-37. Recovery of costs associated with hazardous material, suspicious or incendiary fires, investigations, violations of law, and weapons of mass destruction incidents.

(a) Definitions [The following words terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:]

Cost recovery means those necessary and reasonable costs incurred by the City or its agents in connection with rescue, emergency medical services, mitigation, health, life and safety issues, suppression and investigation of suspicious or incendiary fires, violations of law or city code, mitigating, minimizing, removing or abating hazardous material or weapons of mass destruction incidents, City, County, State, or Federal declared disasters including but not limited to the following: actual labor and benefit costs of personnel or its authorized agents, costs and operation of equipment, necessary rental, or subcontracting, or purchase and costs of expendable items, etc.

Declared Disaster means any disaster that a declaration of emergency or disaster has been declared by the City, County, State or Federal Government and requires essential employees to be available prior, during and/or after an event as directed by the Department Director and City Manager.

Forfeiture means as defined in F.S. §§ 893.12, 932.701--932.704.

Hazardous substance means any substance or material in a quantity or form which, in the determination of the fire chief or the chief's authorized designee, poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the city and shall include but not be limited to those hazardous substances listed in the N.F.P.A. Guide on Hazardous Materials, the EPA's list of extremely hazardous substances and the Emergency Response Guide from DOT, or 49 CFR.

Release means any intentional or unintentional action or omission resulting in the attempted or actual release, spill, pumping, pouring, emitting, emptying or dumping of a suspected or actual hazardous, biological, chemical, explosive, radioactive substance or material upon public or private property located within or outside the corporate limits of the city.

Restitution means as defined in F.S. § 775.089. Suspicious or incendiary fire means any fire not of natural or accidental cause.

Weapons of mass destruction means any nuclear, biological, explosive or chemical event related to an act of terrorism.

(b) Authority of City.

(1) The fire department is hereby authorized to take such steps as necessary, to protect the life, safety and health of the public and to take all such steps necessary to respond and abate

emergencies and recover all associated costs as outlined within this section, including but not limited to the following: actual labor costs of personnel or its authorized agents, costs and operation of equipment, necessary rental, subcontracting, or purchase and costs of expendable items, etc.

(2) The city manager or designee is hereby authorized to collect and recover costs associated with such services and work, including forfeiture and restitution.

(3) The city manager or designee shall be authorized to adopt administrative policies regarding the collection of the fees, assessments, and liens. Costs will be based on the applicable schedule of rates provided by: the current FEMA table; the Florida Fire Chiefs Association;

the Collier County Fire Chiefs Association cost recovery schedules; and actual costs for consumables, equipment, response and fill in personnel, subcontractors, and other city departments requested by fire-rescue.

(c) Liability for costs.

(1) Any person(s), property owner, renter or agent charged with a violation of: the City's Code of Ordinances, Florida Statutes, including driving under the influence of drugs and/or alcohol, or otherwise responsible for action by the fire department or its authorized agents in accordance with provisions of this section shall reimburse the City as provided in subsection (b)(3) above.

(2) Reimbursement for expenses is due upon invoice from the City. Failure to pay the cost recovery invoice within 30 days will constitute a civil infraction with this article and as such will be enforceable in accordance with this article, this Code, and state law.

(d) Additional remedies.

(1) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law and equity, inclusive of forfeiture and restitution as defined in state statute, and may be negotiated or waived by the city manager when in the best interest of the city.

(2) Actions of a juvenile resulting in fire rescue response under this article shall be the responsibility of the legal guardian. The city manager may waive charges upon the enrollment of the child in an approved juvenile fire setters or counseling program.

(Ord. No. 02-29, § 1, 10-7-2002)