

ORDINANCE 2010-43

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING CHAPTER 30, EMERGENCY SERVICES, REPEALING ORDINANCE NUMBER 6015, ENACTED ON OCTOBER 6, 2009, THAT INTENDED TO REPEAL CHAPTER 30, ARTICLE III, SECTIONS 30-50 THROUGH 30-54 OF THE CODE OF ORDINANCES, ON THE EFFECTIVE DATE OF OCTOBER 1, 2010; THEN AMENDING SECTION 30-50, "DEFINITIONS" BY ADDING A DEFINITION OF FISCAL YEAR; AMENDING SECTION 30-52, "EMERGENCY FIRE SERVICE USER FEE IMPOSED" PROVIDING FOR ANNUAL REVIEW, DETERMINATION AND IMPOSITION BY CITY COUNCIL OF THE UPCOMING FISCAL YEAR RESIDENTIAL FIRE USER FEE RATE AND NON-RESIDENTIAL FIRE USER FEE SCHEDULE BY RESOLUTION; AMENDING SECTION 30-53, "APPLICABILITY; COLLECTION; REVIEW"; PROVIDING FOR A NEW SECTION TITLE OF "APPLICABILITY; REVIEW"; PROVIDING FOR DELETION OF REQUIREMENT OF COUNCIL REVIEW OF USER FEE RATES ON FIVE (5) YEAR INTERVAL BASIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

Section 1. That Ordinance 6015, enacted on October 6, 2009, that intended to repeal Chapter 30, Article III, Sections 30-50 through 30-54, on the effective date of October 1, 2010, is hereby repealed.

Section 2. That Chapter 30, Article III, Sections 30-50 through 30-59, of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

ARTICLE III. EMERGENCY FIRE SERVICE USER FEE

Sec. 30-50. Definitions.

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

Property means a parcel of real property within the city limits which is assigned a unique Parcel identification number by the Marion County Property Appraiser.

Premise means a physical location where the city provides one or more utility services for which a customer is billed in accordance with the city's utility billing system.

Fiscal Year means the fiscal year from October 1 of each year to September 30 of the following year.

Sec. 30-51. Findings and background.

The city council finds and declares as follows:

- (a) The city is committed to providing adequate emergency fire services for its citizens and to the businesses and property located in the city.
- (b) The city council has considered adequate information, including the study developed by the city's fire service fee consultant.
- (c) Florida Statute, §166.201 authorizes a municipality to raise funds by the imposition of user fees or charges authorized by ordinance, which are necessary for the conduct of municipal government and may enforce their receipt and collection in the manner prescribed by ordinance not inconsistent with law.
- (d) The benefits of emergency fire service received from properties in the service area are many. First, there is a watch standing, or availability benefit that comes from the availability of fire service. Second, there is a service benefit that comes from actual calls for service to the property classes within the service area. Third, a benefit of the availability of fire service in the city is the availability of, and potentially reduced cost of fire insurance. The level of fire service provided can have an effect upon fire insurance rates with higher levels of service generally resulting in lower insurance rates. Finally, the ability of the city's fire service personnel to intervene in a fire event can potentially save structures or reduce damage to structures.
- (e) Insufficient funding is available from other general fund revenue sources to continue providing the level of emergency fire services that the city desires to provide to the citizens and properties located in the city.
- (f) Imposing an emergency fire service user fee is the most equitable manner of providing the additional funding needed to pay for these services.
- (g) It is the city's plan that the fire service fee will generate a portion of the budgeted operational costs of providing emergency fire services to the city's citizens and properties.
- (h) The fire service fee will be billed to all city properties as a part of the monthly utility bill.

Sec. 30-52. Emergency fire service user fee imposed.

To each residential or non-residential premise located within the city limits there is hereby imposed a monthly fee for emergency fire service based on the equitable portion of the cost of providing such services.

Budgeted fire service costs have been projected for the five-year period beginning with fiscal year 2007 and the following fee schedule has been developed to recover a portion of the costs for each year in the period FY 2007 through FY 2011.

- (a) **Residential fee.** All residential properties will pay the same fee per residential unit. This is true whether the property is classified as a single family residence, mobile home, condominium, or a unit of a duplex, apartment complex, etc. The monthly fee for each residential dwelling unit

for the residential class is as follows:

<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY2010</u>
\$12.00	\$14.30	\$14.30	\$14.30

(b) The residential user fee for Fiscal Year 2011 shall be set by city council prior to the beginning of that Fiscal Year (October 1, 2010) by an adopted user fee resolution. Annually thereafter prior to the beginning of the next Fiscal Year city council shall adopt the user fee rate by resolution for the next Fiscal Year. Should city council not adopt a new residential user fee rate for any given Fiscal Year, it shall remain the same rate as that imposed for the previous Fiscal Year.

(c) Non-residential. Non-residential properties are classified as Institutional, Governmental, or Commercial/Industrial (C/I). It has been determined that the benefit received from emergency fire services for non-residential property is related to the developed space of each premise, but that the benefit increases not directly proportional to square footage, but over broad ranges of developed space. It has also been determined that the benefit received is not materially different among the different non-residential property classes, consequently the fees are the same for all property classes. The schedule of fees for each non-residential premise regardless of use shall be based upon the following schedule:

**Fire Services Fee Schedule for Institutional, Governmental and
Commercial/Industrial (C/I) Property**

<u>Sq. Ft. Range</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
1 - 2,000	\$ 12.00	\$ 14.30	\$ 14.30	\$ 15.20	\$ 15.20
2,001 - 3,000	\$ 13.70	\$ 16.33	\$ 16.33	\$ 17.36	\$ 17.36
3,001 - 4,000	\$ 19.17	\$ 22.86	\$ 22.86	\$ 24.30	\$ 24.30
4,001 - 5,000	\$ 24.65	\$ 29.39	\$ 29.39	\$ 31.24	\$ 31.24
5,001 - 6,000	\$ 30.13	\$ 35.93	\$ 35.93	\$ 38.19	\$ 38.19
6,001 - 7,000	\$ 35.61	\$ 42.46	\$ 42.46	\$ 45.13	\$ 45.13
7,001 - 8,000	\$ 41.09	\$ 48.99	\$ 48.99	\$ 52.07	\$ 52.07
8,001 - 10,000	\$ 49.33	\$ 58.79	\$ 58.79	\$ 62.49	\$ 62.49
10,001 - 12,000	\$ 60.27	\$ 71.85	\$ 71.85	\$ 76.37	\$ 76.37
12,001 - 14,000	\$ 71.23	\$ 84.92	\$ 84.92	\$ 90.26	\$ 90.26
14,001 - 16,000	\$ 82.18	\$ 97.98	\$ 97.98	\$ 104.15	\$ 104.15
16,001 - 18,000	\$ 93.14	\$ 111.04	\$ 111.04	\$ 118.03	\$ 118.03
18,001 - 20,000	\$ 104.10	\$ 124.11	\$ 124.11	\$ 131.92	\$ 131.92
20,001 - 25,000	\$ 123.28	\$ 146.97	\$ 146.97	\$ 156.22	\$ 156.22
25,001 - 30,000	\$ 150.67	\$ 179.63	\$ 179.63	\$ 190.93	\$ 190.93
30,001 - 35,000	\$ 178.07	\$ 212.29	\$ 212.29	\$ 225.65	\$ 225.65
35,001 - 40,000	\$ 205.46	\$ 244.95	\$ 244.95	\$ 260.37	\$ 260.37
40,001 - 45,000	\$ 232.86	\$ 277.61	\$ 277.61	\$ 295.08	\$ 295.08
45,001 - 50,000	\$ 260.25	\$ 310.27	\$ 310.27	\$ 329.80	\$ 329.80

50,001	-	60,000	\$ 301.35	\$ 359.26	\$ 359.26	\$ 381.87	\$ 381.87
60,001	-	70,000	\$ 356.14	\$ 424.58	\$ 424.58	\$ 451.30	\$ 451.30
70,001	-	80,000	\$ 410.93	\$ 489.90	\$ 489.90	\$ 520.73	\$ 520.73
80,001	-	90,000	\$ 465.72	\$ 555.22	\$ 555.22	\$ 590.16	\$ 590.16
90,001	-	100,000	\$ 520.51	\$ 620.54	\$ 620.54	\$ 659.59	\$ 659.59
100,001	-	120,000	\$ 602.70	\$ 718.52	\$ 718.52	\$ 763.74	\$ 763.74
120,001	-	140,000	\$ 712.28	\$ 849.16	\$ 849.16	\$ 902.60	\$ 902.60
140,001	-	160,000	\$ 821.86	\$ 979.80	\$ 979.80	\$1,041.46	\$1,041.46
160,001	-	180,000	\$ 931.44	\$1,110.44	\$1,110.44	\$1,180.32	\$1,180.32
180,001	-	200,000	\$1,041.03	\$1,241.08	\$1,241.08	\$1,319.19	\$1,319.19
200,001	-	250,000	\$1,232.79	\$1,469.69	\$1,469.69	\$1,562.19	\$1,562.19
250,001	-	300,000	\$1,506.75	\$1,796.29	\$1,796.29	\$1,909.35	\$1,909.35
300,001	>		\$1,643.74	\$1,959.59	\$1,959.59	\$2,082.92	\$2,082.92

(d) The non-residential user fee schedule for Fiscal Year 2012 shall be set by city council prior to the beginning of that Fiscal Year (October 1, 2011) by an adopted user fee resolution. Annually thereafter prior to the beginning of the next Fiscal Year city council shall adopt the non-residential user fee rate schedule by resolution for the next Fiscal Year. Should city council not adopt a new non-residential user fee rate schedule for any given Fiscal Year, the schedule shall remain the same as that imposed for the previous Fiscal Year.

Sec. 30-53. Applicability; collection.

- (a) The emergency fire services fee imposed by this Article shall be imposed on each developed property within the city limits beginning January 1, 2007. Where a property has multiple premises, each premise will be assessed a separate fee based on the number of residential units, for residential property, or the square footage of developed space, for non-residential property, as appropriate. Only vacant or undeveloped land will be exempt from the fire service fee.
- (b) The city will include the fire service fee on the utility bills for all developed properties in the city. Collection enforcement will be in the same manor as that used with all other portions of the bill for utility services.

Sec. 30-54 - 30-59. Reserved.

Section 3. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

CITY OF OCALA

By: 

Reuben Kent Guinn

President, Ocala City Council

ATTEST:

By: 

Angel B. Jacobs

City Clerk

Approved/Denied by me as Mayor of the City of Ocala, Florida, on May 4th, ~~2009~~ ²⁰¹⁰ ^{RE}

By: 

Randall Ewers

Mayor

Approved as to form and legality:

By: 

~~Patrick B. Gilligan~~ **W. James Gooding III**
~~City Attorney~~ **Assistant City Attorney**

Ordinance No.

2010-43

Introduced:

March 30, 2010

Adopted:

May 4, 2010

Legal Ad No:

SF06151801 – April 2, 2010

Tabled:

April 20, 2010