



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Kristine Gutierrez, Community Development Operations Manager
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MEETING DATE: October 22, 2024

SUBJECT: Consideration of Resolution 2024-168, Adopting a Proposed Amendment to the Fire City Department and Fee Group Schedule of the City of Banning Master User Fee Schedule to Adopt New and Increase Certain Fees and Charges Related to Annual Fire Inspections, Plan Checks, and Other Fire Prevention Services and Making a Determination of Exemption under CEQA

RECOMMENDATION:

Adopt Resolution 2024-168.

BACKGROUND:

During the past year, the City adopted ordinances and resolutions to improve its fire safety and prevention efforts, while ensuring appropriate fees are collected to recover costs for these services. These efforts include amendments to the Banning Municipal Code (BMC) to authorize annual fire inspections and cost recovery of these services, as follows:

On September 12, 2023, the City Council adopted Ordinance No. 1595 to require local standards and procedures for the inspection, permitting, and annual review of buildings, structures, and businesses in BMC Chapters 8.16 and 15.08.

On January 13, 2024, the Council adopted Resolution No. 2024-14, which amended the City's Master User Fee Schedule to establish fees and charges for annual fire inspections, operational permits, fire safety permit inspections, and plan check review services, and held a public hearing for the first reading of Ordinance No. 1599.

On February 11, 2024, the Council adopted Ordinance No. 1599 and amended its public safety services Code in Chapter 3.36 to establish a 100% cost recovery for its fire inspection and operational fire permits services.

The City of Banning contracts with Riverside County for both Fire Suppression and Protection Services. The City's contract with Riverside County includes two hourly positions, including the Supervising Fire Marshal and Fire Safety Specialist, for all plan check review, planning application review and inspection services. A third position, Fire Permit Technician, is approved and will assist with the demand implementing and administering the City's Fire Safety and Prevention Services under the Banning Municipal Code, as amended in the ordinances above, and requirements under State law.

The Master Fee Schedule was amended to account for the cost recovery of these services on January

13, 2024 (Resolution No. 2024-14), when City Council established fees and charges for annual fire inspections, operational permits, fire safety permit inspections and plan check review services. The fees were based on a Cost of Services Study for the City of Beaumont with modifications to account for the City of Banning's contract with Riverside County. However, upon further review with the City's Supervising Fire Marshal, the fee schedule is missing some correlating costs for certain application and inspection fees or do not account for all necessary costs for services, as identified in the Cost of Services Study, that are required to administer and implement the Fire Protection Code.

JUSTIFICATION:

The City's Fire Protection Code, BMC 8.16, establishes local authority for fire safety and suppression with the 2022 California Fire Code, inclusive of certain amendments, generally applying to the City of Banning. The Code includes programs that contribute to the protection of life and property within the City and authorizes the City to recover costs by collecting fees to ensure compliance with the ordinance that 100% cost recovery occurs as it relates to development and business-related activities. The City contracts with Riverside County Fire Department to provide fire safety services which include fire prevention services, such as fire plan review and inspections.

Adopted in January 2024, the current fee schedule for fire services was developed with the Riverside County Fire Marshal's Office and was based on several similar fee schedules from several other nearby cities. The fee schedule includes fees for specific types of fire prevention permits and inspections (sprinklers, alarms, water systems, hazardous materials, etc.), typical plan check reviews and inspections (new construction, tenant improvements, etc.), annual inspections and other miscellaneous fire fees (planning applications, environmental review, etc.). With changes to reflect the City of Banning's contract with Riverside County, the City of Beaumont's Cost of Services Study was the basis for the adopted fee schedule and is included as an attachment to this report.

After further evaluation by the City's Supervising Fire Marshal, the City proposes revisions to the current fee schedule to ensure fees accurately capture costs for staff's time. Staff prepared a comparison table showing current plan check and inspection fees, the number of hours required to reasonably provide such services, and the proposed plan check and inspection fees. The proposed fees reflect hourly costs consistent with the city's contract rate (\$189 per hour) for providing fire prevention services and were revised to reflect more accurate hourly costs for services provided. Examples of fee revisions include:

- Business Renewal Inspections – certain occupancies/assembly increased from \$94 to \$189 depending on size of facility;
- Multifamily Renewal Inspections – R-1 Occupancy (i.e. hotels, motels) increased from \$473 to \$567 for 25 units or less, from \$567 to \$709 for 26-50 units, and from \$945 to \$1,134 for 100 or more units; R-1 Occupancy (i.e. hotels, motels) decreased \$1,890 to \$851 for 51-75 units; R-2 Occupancy (i.e. Residential permanent 3+) per unit decreased from \$189 to \$48;
- Sprinkler – TI 13, 13R Fire Sprinkler System plan check fee increased from \$378 to \$473; TI 13D Fire Sprinkler System plan check fee reduced from \$378 to \$237; Alternate Methods and Materials fee reduced from \$1,189 to \$756;
- Water Systems – Fire Pump plan check increased from \$473 to \$567 and inspection increased from \$378 to \$473; Emergency Underground Repair increased from \$473 to \$567;
- Solar/Photovoltaic – residential plan check decreased from \$756 to \$189; residential inspections decreased from \$567 to \$189; commercial plan check decreased from \$1,189 to \$378; commercial inspections decreased from \$945 to \$378;
- Operational Fire Permits – most inspection fees were reduced with some newly added fees proposed at similar rates

Attached to this report are the complete list of fees and a table comparing existing and proposed fees.

The methodology used to calculate the fees is consistent with the "costs reasonably borne" test established by Section 8(c) of Proposition 4, now Article XIII B of the California Constitution. The methodology followed determines the full business cost of providing the reported City services, by

Riverside County Fire. It also identifies the beneficiaries of those services and determines if they are paying in relationship to benefits derived or if they are deserving of a subsidy paid from the taxes paid by all local citizens and businesses. With the proposed revisions, it is expected that the City will comply with BMC Section 3.36.080 and cover 100% of its costs that are reasonably borne in providing Fire Prevention services.

FISCAL IMPACT:

Upon adoption and implementation of the amended Fire fee schedule within the Master User Fee Schedule, City staff anticipates revenues will capture costs for services provided and more accurately collect revenue that covers costs associated with the City's contract with Riverside County for Banning's Fire Prevention Services.

ALTERNATIVES:

1. Continue to a date certain and direct staff to study modifications to specific fees.
2. Continue to a date uncertain and direct staff prepare a new Cost of User Study.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Resolution 2024-168, Fire Fees.docx](#)
2. [Exhibit A - Revised City of Banning Fire Fees \(New\).pdf](#)
3. [Beaumont Cost of Services Study updated 01.24.23.pdf](#)
4. [Comparison - City of Banning Fire Fees.pdf](#)
5. [Affidavit - Public Notice of Fire Fees Update.pdf](#)